



Indian Round Table Conference

12th November, 1930—19th January, 1931

**(SUB-COMMITTEES' REPORTS;
CONFERENCE RESOLUTION;
AND
PRIME MINISTER'S STATEMENT)**

*Presented by the Secretary of
State for India to Parliament
by Command of His Majesty
January, 1931*

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INDIAN ROUND TABLE CONFERENCE.

INTRODUCTORY NOTE.

The Indian Round Table Conference was inaugurated by His Majesty the King-Emperor at a public session in the Royal Gallery of the House of Lords on 12th November, 1930.

After the opening ceremony the Conference devoted five days in plenary session to a debate "on the question whether the future constitution of India should be on a federal or unitary basis." This general debate ranged over a wide field, but its most striking feature was declarations from delegates from the Indian States opening the way to the consideration of a new federal constitution for India, embracing both British India and Indian States.

On the conclusion of the general debate the Conference decided to set up a "Federal Relations Committee to consider the structure of a federal system of government in India as regards relations between Indian States and British India, and relations between Provinces of British India and the Centre, including the question of responsibility at the Centre, and to recommend the main principles to be applied."

It was, however, found more convenient to work through a Committee of the Whole Conference, instead of through this Committee, and the Committee of the Whole set up nine sub-Committees to consider the following questions :—

No.	Name of sub-Committee.	Subject or terms of Reference.	Page in the vol.
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No.	Name of sub-Committee.	Subject or terms of Reference.	Page in the vol.
II	Provincial Constitution ..	The powers of the Provincial Legislatures. The constitution, character, powers and responsibilities of the Provincial Executives.	41
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IV	Burma ..	To consider the nature of the conditions which would enable Burma to be separated from British India on equitable terms and to recommend the best way of securing this end.	50
V	North West Frontier Province.	To consider what modifications, if any, are to be made in the General Provincial Constitution to meet the special circumstances of the North West Frontier Province.	53
VI	Franchise ..	On what main principles is the Franchise to be based for men and women.	53
VII	Defence ..	To consider questions of political principle relating to Defence, other than strictly constitutional aspects to be considered by sub-Committee No. I.	60
VIII	Services ..	The relations of the Services to the new political structures.	64
IX	Sind ..	The question of constituting Sind as a separate Province.	70

The Reports of these nine sub-Committees are printed in the present volume on the pages shown above.

These Reports were received by the Committee of the Whole Conference and noted, together with the comments made on them in Committee of the Whole.

The Conference, after a final debate in plenary session ranging over the whole of its work, passed, unanimously, the Resolution (printed in full on page 72), accepting the Reports of the sub-Committees (and comments thereon in Committee of the Whole) as "material of the highest value for use in the framing of a constitution for India, embodying as they do a substantial measure of agreement on the main ground-plan."

The Prime Minister's closing speech on 19th January, 1931, containing a declaration on behalf of His Majesty's Government, is printed on pages 72 to 83.

Fuller papers, to be laid before Parliament shortly, will include the text of the debates in the Plenary Sessions, and the comments in the Committee of the whole Conference on the Reports of the sub-Committees. A supplementary volume will be made available, in due course, containing proceedings in the sub-Committees and the memoranda circulated to the Conference or its Committees.

INDIAN ROUND TABLE CONFERENCE.

LIST OF DELEGATES.

BRITISH DELEGATIONS.

MR. RAMSAY MACDONALD.
LORD SANKEY.
MR. WEDGWOOD BENN.
MR. HENDERSON.
MR. THOMAS.
MR. LEES SMITH.
SIR WILLIAM JOWITT.
LORD RUSSELL.

LORD PEEL.
LORD ZETLAND.
SIR SAMUEL HOARE.
HON. O. STANLEY.

LORD READING.
LORD LOTHIAN.
SIR ROBERT HAMILTON.
MR. FOOT.

INDIAN STATES DELEGATION.

H.H. THE MAHARAJA OF ALWAR.
†H.H. THE MAHARAJA GAEKWAR OF BARODA.
H.H. THE NAWAB OF BHOPAL.
H.H. THE MAHARAJA OF BIKANER.
H.H. THE MAHARAJ RANA OF DHOLPUR.
H.H. THE MAHARAJA OF JAMMU. AND KASHMIR.
H.H. THE MAHARAJA OF NAWANAGAR.
H.H. THE MAHARAJA OF PATIALA.
H.H. THE MAHARAJA OF REWA.
H.H. THE CHIEF SAHIB OF SANGLI.
SIR PRABHASHANKAR PATTANI.
SIR MANUBHAI MEHTA.
SARDAR SAHIBZADA SULTAN AHMED KHAN.
NAWAB SIR MUHAMMAD AKBAR HYDARI.
SIR MIRZA M. ISMAIL.
COL. HAKSAR.

BRITISH INDIA DELEGATION.

H.H. THE AGA KHAN.
SIR RAMASWAMI AIYAR.
*MAULANA MUHAMMAD ALI.
DR. AMBEDKAR.
U AUNG THIN.
U BA PE.
SRIJUT CHANDRADHAR BAROOAH.

SIR SHAH NAWAZ BHUTTO.
SIR HUBERT CARR.
MR. CHINTAMANI.
NAWAB SIR AHMAD SAID KHAN.
MAHARAJA OF DARBHANGA.
CAPTAIN RAJA SHEER MUHAMMAD KHAN.
MR. FAZL-UL-HUQ.
MR. OHN GHINE.
MR. GHUZNAVI.
LIEUT.-COL. GIDNEY.
SIR OSCAR DE GLANVILLE.
SIR GHULAM HUSSAIN

HIDAYATULLAH.

KHAN BAHADUR HAFIZ HIDAYAT HUSAIN.

MR. JADHAV.
MR. JAYAKAR.
SIR COWASJI JEHangIR.
MR. JINNAH.
MR. GAVIN JONES.
MR. JOSHI.
DR. LAW.
SIR B. N. MITRA.
SIR PROVASH CHUNDER MITTER.
MR. MODY.
DR. MOONJE.
DIWAN BAHADUR RAMASWAMI MUDALIYAR.
RAJA NARENDRA NATH.
RAO BAHADUR PANNIR SELVAM.
RAJA OF PARLAKIMEDI.
SIR A. P. PATRO.
MR. PAUL.
NAWAB SIR ABDUL QAIYUM.
DIWAN BAHADUR RAMACHANDRA RAO.

MR. SHIVA RAO.
SIR SAYED SULTAN AHMED.
SIR TEJ BAHADUR SAPRU.
SIR MUHAMMAD SHAFI.
SARDAR SAMPURAN SINGH.
MR. SASTRI.
SIR CHIMANLAL SETALVAD.
KUNWAR BISHESHWAR DAYAL.
SIR PHIROZE SETHNA.
DR. SHAFI'AT AHMAD KHAN.
BEGUM SHAH NAWAZ.
RAO BAHADUR SEINTIVASAN.
MRS. SUBBARAYAN.
MR. TAMBE.
SARDAR SAHIB UJJAL SINGH.
SIR EDGAR WOOD.

Sub-Committee No. 1. (Federal Structure.)

INTERIM REPORT PRESENTED AT THE MEETING OF THE COMMITTEE
OF THE WHOLE CONFERENCE HELD ON 16TH DECEMBER, 1930.

Introductory.

1. The sub-Committee* was appointed to consider and report upon the following four of the Heads of discussion which were framed for the Federal Relations Committee :—

No. 1.—The component elements of the Federation.

No. 2.—The type of Federal Legislature and the number of Chambers of which it should consist.

No. 3.—The powers of the Federal Legislature.

No. 6.—The constitution, character, powers and responsibilities of the Federal Executive.

The sub-Committee thought that it would be for the convenience of the Conference to present an Interim Report dealing, in the first instance, with Nos. 1, 2 and 3 above. In view of the large issues raised by No. 6, which cannot be separated from those connected with the relation of the Federal Executive to the Crown (No. 12 of the Heads of discussion), it appeared to the sub-Committee that this Head, on the discussion of which they are proposing immediately to enter, should form the subject of a separate report.

2. The sub-Committee are in a position to report that a most encouraging degree of agreement on the matters comprised in Nos. 1, 2 and 3 has been secured. They recognise that any measure of federation involves for the States sacrifices in a sphere to which they have always attached the greatest importance for practical reasons as well as on grounds of existing treaties and sentiment. They recognise, on the other hand, the natural hesitation of the representatives of British India to accept any form of constitutional change which might be thought to endanger the unity of British India or those positive advantages which are derived from a uniform body of law and administrative practice. All parties of the sub-Committee were unanimous in preferring the welfare of India as a whole to the individual claims of the interests they represent and in the conviction that only in the larger unity can the diversity of interests and policies be completely harmonised. The sub-Committee are not dismayed by the criticism which may perhaps be made upon their conclusions, that the links between some parts of the Federation and others are but slender. A new State is not born full grown; it must contain within itself the capacity for growth. The attainment of full maturity must depend upon the efforts and devotion of the statesmen of India herself from whatever territory they may come.

*The composition of the sub-Committee is given on page 13.

The sub-Committee's conclusions are as follows :—

CONCLUSIONS.

I. Component elements of Federation.

3. The component elements of the Federation should be on the one hand

(a) the federating Provinces of British India, and on the other hand,

(b) such Indian States or groups of States as may enter the Federation. Provision should be made for the subsequent entry from time to time of such further States or groups of States as agree to enter the Federation.

The important question of the position of the Crown will require further examination when the relation of the Federal Executive to the Crown is discussed.

4. So far as British India is concerned, the federating organism will be neither the Government of British India as it exists at present, nor autonomous Provinces released from the central tie. The process of Federation will involve the creation of a new State which will derive its powers

(a) in part from the powers which the States will agree to concede to the Crown, to be placed at the disposal of the new Federation ; and

(b) in part from the transfer to it of such of the powers of the Central Indian Government (and also it may be of the Provincial Governments) as may be agreed to be necessary for the purposes of the Federation.

II. Type of Federal Legislature and the number of Chambers of which it should consist.

5. The Federal Legislature should consist of two Chambers, each containing representatives of both British India and the States (the proportion which the representatives of British India and of the States should bear to each other will be a matter for subsequent consideration under Heads not yet referred to the sub-Committee).

6. The method whereby the representatives of British India are to be chosen was not referred to this sub-Committee, but Their Highnesses made it clear that in their opinion the method by which the States' representatives should be chosen will be a matter for the States themselves. If and so long as there are any reserved subjects it will be necessary for the Crown to be represented in both Chambers.

7. Differences between the two Chambers might be determined either at a joint session or by other means, by vote, whether by a bare majority or otherwise being a question for discussion at a later stage.

III. Powers of the Federal Legislature.

8. A list of subjects provisionally recommended as Federal subjects is appended. This list is framed on the assumption that the Federal Legislature will be clothed with power to legislate upon all the subjects included in it. The inclusion of certain subjects, e.g., Defence and External Affairs, was not specifically considered, since these subjects in particular, though not exclusively, raise the question of the relations between the Executive in India and the Crown—a matter not within the sub-Committee's terms of reference. It is of the essence of a Federal constitution that the enactments of the Federal Legislature acting within its legal scope should have full force and effect throughout all units comprised in the Federation.

9. Provision should be made by some constitutional procedure for additions from time to time to the list of Federal subjects.

10. In relation to Federal subjects a distinction is to be drawn between policy and legislation on the one hand and administration on the other. In some Federal systems there is a complete separation between Federal and State Agency in the administrative as well as the legislative sphere, but in others the administration is entrusted, subject to certain Federal rights of inspection, etc., to the State authorities. The choice is a matter of convenience rather than of principle, depending upon conditions existing at the time of federation and the practical advantage or disadvantage of disturbing the *status quo*. For a variety of reasons there are cases in which States may desire to retain, in those matters in which they agree that the control of policy shall be federal, most of the administrative powers which they exercise at present, but in so far as they continue to exercise those powers, they will do so in conformity with a policy jointly determined and with regulations jointly formulated. Provided that the conditions for a harmonious evolution are established, it is an advantage that there should be a minimum of disturbance in the practical arrangements which already operate.

11. The precise delimitation of the functions of the Federal and State Governments respectively in these spheres will be a matter for settlement in respect of each subject by negotiation.

12. The sub-Committee are strongly of opinion that there should be only a single Legislature to deal with Federal subjects proper and with any subjects which cannot at present be either federalised or completely provincialised. Such a Legislature will no doubt contain representatives of units of the Federation which will not be concerned with some of the subjects with which it deals. But the partial acceptance of this anomaly is preferable to the difficulties and complications involved in any expedient for completely avoiding it, such as the creation of a separate British Indian Legislature with a separate Executive. How to deal with this anomaly will have to be considered at a later stage.

APPENDIX TO INTERIM REPORT OF SUB-COMMITTEE No. 1.

Schedule of Subjects provisionally agreed to as "Federal" with notes.

N.B.—The enumeration is that of the present list of Central Subjects—Devolution Rules, Schedule I.

Notes.

5. Communications to the extent described under the following Heads, namely :—

(a) Railways (including railways to be constructed or acquired in future).

(b) Aircraft and all matters connected therewith.

(c) Inland waterways ..

Policy and Legislation to be Federal. Administration to be Federal to the extent of powers now exercised by the Railway Board.

Federal.

Policy and Legislation to be Federal in respect of inland waterways affecting more than one unit.

Federal for Legislation and policy.

6. Shipping and navigation, including shipping and navigation on inland waterways in so far as declared to be a Federal subject in accordance with entry 5 (c).

7. Lighthouses (including their approaches), beacons, lightships and buoys.

Federal.

8. Port quarantine

Federal so far as international requirements are concerned.

9. Ports

Such ports to be Federal as are declared to be major ports by rule made by Federal Government or by or under Legislation by the Federal Legislature, subject in the case of Indian States to such extent as authority may be delegated by the States under a convention.

10. Posts, telegraphs, trunk telephones and wireless installations.

Federal; but with such qualifications as may be necessary for the purposes of adjustment with the States in matters of detail.

11. Customs and salt

Salt: Federal. Maritime Customs: Federal, subject to special adjustments with Maritime States having regard to their treaties, agreements and engagements. Customs on external frontiers of Federal India to be Federal on the lines of maritime customs subject to the special case of Kashmir.

12. Currency and coinage

Federal, subject to adjustment with the States concerned of such rights as are not already con-

Notes.

- | | |
|---|---|
| 13. Public Debt of Federal India. (Power to raise Federal loans). | Federal. |
| 14. Savings banks | Federal for policy and legislation regarding Post Office Savings banks. |
| 15. Federal Audit | Federal. |
| 17. Commerce, including banking and insurance. | Federal for policy and legislation. |
| 18. Trading companies and other associations. | Federal for policy and legislation. |
| 20. Development of Industries . . | Development of Industries to be a Federal subject in cases where such development by Federal authority is declared by order of Federal Government, made after negotiation with and consent of the federating units. |
| 21. Control of cultivation and manufacture of opium, and sale of opium for export. | Federal for policy and legislation |
| 22. Stores and stationery, both imported and indigenous, required for Federal Departments. | Federal. |
| 23. Control of petroleum and explosives. | Federal for policy and legislation. |
| 24. Geological Survey of India | Federal. |
| 26. Botanical Survey of India | Federal. |
| 27. Inventions and designs . . | Federal for policy and legislation. |
| 28. Copyright | Federal for policy and legislation. |
| 29. Emigration from, and immigration into, India. | Federal. |
| 31. Federal police organisation | Federal. |
| 32. Traffic in arms and ammunition. | Federal for policy and legislation |
| 33. Central agencies and institutions for research (including observatories) and for professional and technical training or promotion of special studies. | Federal as regards future agencies and institutions. |
| 35. Survey of India | Federal. |
| 38. Meteorology | Federal. |
| 39. Census | Federal for policy and legislation the States reserving administration. |
| 39A. All-India statistics . . | Federal. |
| 40. Federal services | Federal. |
| 44. Immovable property acquired and maintained at the cost of the Federal Government. | Federal. |
| 45. The Public Service Commission. | Federal for the purpose of Federal services. |

Sub-Committee No. 1. (Federal Structure.)

SECOND REPORT, PRESENTED AT THE MEETING OF THE COMMITTEE
OF THE WHOLE CONFERENCE HELD ON 15TH JANUARY, 1931.

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1. *Introductory.*—The sub-Committee consisted of the following members :—

British Delegations :—

The Lord Chancellor (*Chairman*).
Mr. Lees Smith, M.P.
The Earl Peel.
The Right Hon. Sir Samuel Hoare, Bart., M.P.
The Marquess of Reading.
The Marquess of Louthan

Indian States Delegation :—

H.H. The Maharaja of Bikaner.
H.H. The Nawab of Bhopal.
Nawab Sir Muhammad Akbar Hydari, Hyderabad.
Sir Mirza M. Ismail, Mysore.
Colonel Haksar, Special Organisation, Chamber of Princes

British India Delegation :—

The Right Hon. Srinivasa Sastri, Madras.
Sir C. P. Ramaswami Aiyar, Madras.
Diwan Bahadur Ramaswami Mudaliyar, Madras.
Mr. Jayakar, Bombay.
Mr. M. A. Jinnah, Bombay.
Sir Tej Bahadur Sapru, United Provinces.
Mr. T. F. Gavin Jones, United Provinces.
Sir Muhammad Shafi, Punjab.
Sardar Sahib Ujjal Singh, Punjab.
Sir Sayed Sultan Ahmed, Bihar and Orissa.

In addition, Sir B. N. Mitra attended most of the meetings of the sub-Committee and gave it the benefit of his advice and assistance.

2. It must be clearly understood that, although agreement has been reached by a majority of the sub-Committee on many important matters, such agreement is only provisional, and every member followed the example of Lord Reading, who said that the understanding had been from the outset that it would be open to all members, when they came to consider the complete proposals for the Federal constitution, to modify or change any provisional assent they might have hitherto given. Every member of the sub-Committee reserves to himself the right of modifying his opinion before the final picture is completed. This is the attitude of British and Indian members alike. Over and above that, upon the basic assumption set out in paragraph 8, Lord Peel and Sir Samuel Hoare, with the information at their disposal, and with so many questions still undecided, are unconvinced that the kind of Executive envisaged in this Report can be successfully adapted to the special conditions of an All-India Federation. They, therefore, desire to see further explored methods for increasing Indian control over the Federal Government that are better suited to All-India needs than those founded upon British precedents. Apart from this Lord Peel and Sir Samuel Hoare are not satisfied that the safeguards recommended for securing Imperial obligations will prove effective, and, in particular, they fear that the financial proposals outlined in paragraphs 18 to 22 inclusive will disturb the confidence of the commercial classes and impair the stability of Indian credit. They wish, however, to place on record their appreciation of the progress that has been made in the elucidation of a contentious and difficult problem, and their readiness to co-operate with sympathetic and unprejudiced minds in its further investigation.

Upon the question of finance, Indian opinion was that even the safeguards set out in the Report went too far, especially those giving special powers to the Governor-General.

3. The vexed Hindu-Muslim question was referred to by Sir Muhammad Shafi on behalf of the Muslim Delegation, and he made it clear that as far as he was concerned he could not consent finally to frame any constitution unless the Hindu-Muslim question was settled. To this view Mr. Jinnah gave his adherence, on the ground that no constitution would work unless it embodied provisions which gave a sense of security to the Muslims and other minorities. He further objected to some details of the Report. Other Delegates, again, stated that their final opinion upon details was not yet formed, and that they desired, before they came to a conclusion, to ascertain public opinion upon such details, both in India and in England.

4. The Indian States do not desire either to discuss or vote upon questions which concern British India alone, and are of opinion that these questions should be definitely excluded. Nor do the

Indian States contemplate that any question of paramountcy will come at any time within the purview of the Federal Government.

The sub-Committee publish the Report subject to these reservations.

5. In their interim Report of 12th December, the sub-Committee indicated their view of the component elements of the Federation, which is contemplated as the future polity for India, and recommended that these elements should be represented in both Chambers of a bicameral Federal Legislature. They also put forward a provisional list (which is reproduced in the Appendices referred to in paragraph 37 of this Report) of the subjects upon which this Legislature should be empowered to pass laws having application throughout all units comprised in the Federation. In a later part of the present Report it will be the duty of the sub-Committee to supplement the provisional recommendations thus made with regard to the competence of the Federal Legislature. There are some matters which, although the Federal Government and Legislature will not at present have jurisdiction in respect of them in the Indian States, will none the less require co-ordination in the areas comprised by the British Indian units of the Federation. These subjects also are indicated in the Appendices referred to in paragraph 37 of this Report. The sub-Committee desire in this connection to emphasise once more the conviction, to which they gave expression in paragraph 12 of their previous Report, that it is the Federal Legislature itself which should perform this co-ordinating function. Their reasons for this view are in part the desire to avoid the inevitable complexities which would arise from setting up a separate authority to deal with subjects not completely federalised, but an even more important reason is that it is, in the sub-Committee's opinion, essential to the development of the Federal idea that the new constitution should contain within itself facilities for its own development, and that nothing should be done in designing the structure embodying it which would be calculated to hamper the natural evolution of a Greater India.

The further Heads which were referred to the sub-Committee and are now under discussion are :—

(4) *The number of members composing each Chamber of the Federal Legislature, and their distribution among the federating units ;*

(5) *The method whereby representatives from British India and from the Indian States are to be chosen ; and*

(6) *The constitution, character, powers and responsibilities of the Federal Executive.*

These three Heads the sub-Committee now proceed to discuss.

6. The sub-Committee do not, of course, claim to have evolved in all its details a complete plan for the Federal constitution. They consider that the best service they can render to the Conference is to state certain general principles and record conclusions on certain points with regard to which there appeared to be general or substantial agreement, and then to indicate the lines which further detailed examination on the subject ought, in their view, to follow. Many points have necessarily been left open which will have to be settled later after public opinion both in India and in England has had an opportunity of expressing itself upon them, in order that the completed constitution may be based on the largest measure of public approval in both countries.

THE EXECUTIVE.

7. The sub-Committee consider that it will be convenient to deal, in the first instance, with the last of the three Heads, namely :

Head (6). The composition, character, powers and responsibility of the Federal Executive ; since, as was more than once pointed out in the course of their deliberations, the view taken upon these matters may materially affect decisions upon the structure of the Legislature, the nature of its functions and the methods adopted for enabling these functions to be performed.

8. *Responsibility of the Executive.*—The Report which follows proceeds on the basic assumption that the constitution will recognise the principle that, subject to certain special provisions more particularly specified hereafter, the responsibility for the Federal Government of India will in future rest upon Indians themselves.

9. *Method of providing for this.*—In the opinion of the sub-Committee the proper method of giving effect to this principle is, following the precedent of all the Dominion constitutions,* to provide that executive power and authority shall vest in the Crown, or in the Governor-General as representing the Crown, and that there shall be a Council of Ministers appointed by the Governor-General and holding office at his pleasure to aid and advise him. The Governor-General's Instrument of Instructions will then direct him to appoint as his Ministers those persons who command the confidence of the Legislature, and the Governor-General, in complying with this direction, will, of course, follow the convention firmly established in constitutional practice throughout the British Commonwealth of inviting one Minister to form a Government and requesting him to submit a list of his proposed colleagues.

*e.g. Ss. 9 to 11 of the British North America Act, 1867 ;
Ss. 8 and 9 of the Union of South Africa Act, 1908 ;
Ss. 61 and 62 of the Commonwealth of Australia Constitution, 1900.

10. *Definition of Responsibility.*—The Governor-General, having thus chosen as his Ministers persons who possess the confidence of the Legislature, it follows that they will retain office only so long as they retain that confidence. This is what the sub-Committee understand by the responsibility of Government to Legislature, in the sense in which that expression is used throughout the British Commonwealth. The expression also implies in their view, that the ministry are responsible collectively and not as individuals, and that they stand or fall together.

11. *Safeguards.*—It is, however, admitted that this broad statement of the principle of responsible government at the Centre, which will be the ultimate achievement of the constitution now to be framed, requires some qualification. There was general agreement in the sub-Committee that the assumption by India of all the powers and responsibility which have hitherto rested on Parliament cannot be made at one step and that, during a period of transition—

(i) The Governor-General shall be responsible for Defence and External Relations (including relations with the Indian States outside the federal sphere) and that

(ii) in certain situations, hereafter specified, which may arise outside the sphere of those subjects, the Governor-General must be at liberty to act on his own responsibility, and must be given the powers necessary to implement his decisions.

12. *Governor-General's advisers on reserved subjects.*—It was generally agreed that the presence of a person occupying the position of a Minister would be necessary to express the views of the Governor-General on Defence matters in the Legislature, since these will impinge upon strictly federal matters; the same is true of External Relations but there was not an equal measure of agreement with regard to the appointment of a person to represent the Viceroy in this latter subject. It is clear, however, that the Governor-General must be at liberty to select as his representatives in the reserved sphere any persons whom he may himself choose as best fitted for the purpose, and that on appointment they would, if holding Ministerial portfolios, acquire the right like other Ministers of audience in either Chamber of the Legislature. The suggestion was pressed that any persons so appointed should be regarded as ordinary members of the Council of Ministers, notwithstanding that they would be responsible to the Governor-General and not to the Legislature, and that they should be regarded as liable to dismissal (though they would remain eligible for re-appointment by the Governor-General) with the rest of their colleagues. It is difficult, however, to see how this position could be reconciled with the principle of the collective responsibility of Ministers, and the sub-Committee find themselves unable to come to any definite

conclusions on the matter, though they are of opinion that it merits much more careful examination than they have, in the time at their disposal, been able to give to it.

13. *Position of the Governor-General in relation to his Cabinet.*—

With this subject is to some degree involved the question of whether the Governor-General should himself preside over the meetings of his Ministers. In the view of the sub-Committee no hard and fast rule can be laid down. It is clear that, especially in the transition period, occasions may often arise in which his presence would be desirable, and indeed, in certain contingencies, necessary. In these circumstances, it appears to the sub-Committee that the better course would be to provide in his Instructions that he shall preside when he thinks it desirable to do so, leaving the matter to his own discretion and good sense. It is, however, essential that the Governor-General shall be kept at all times fully informed of the state of public affairs and have the right to call for any papers or information which are at his Ministers' disposal.

14. *Governor-General's powers in relation to reserved subjects.*—

It follows from the fact that the Governor-General will be himself responsible for the administration of the reserved subjects described above, that he should not be dependent for the supply required for them upon the assent of the Legislature, and that the annual supply for their service should be treated, along with other matters to be presently specified, in a manner analogous to the Consolidated Fund Charges in the United Kingdom. The budget allotment would be settled upon a contract basis for a term of years. It would further be necessary to empower the Governor-General in the last resort to take such steps as may be necessary to ensure that the funds required for the reserved subjects are forthcoming, and also to secure emergency supply for these subjects in excess of the contract budget (e.g., in connection with a sudden outbreak of hostilities on the Frontier). It follows that he should be empowered to secure the enactment of such legislative measures as may be essential for the discharge of his responsibility for these subjects.

15. The sub-Committee anticipate that in the event of its becoming necessary to use these powers the Governor-General would not ordinarily do so without consulting his Ministers, even though the responsibility for any action taken will be his and not theirs.

16. *Governor-General's special powers.*—With regard to subjects in the administration of which the Governor-General would normally act on the advice of his Ministers, it was generally agreed that arrangements must be made whereby in the last resort the peace and tranquillity of any part of the country must be secured, serious prejudice to the interests of any section of the population must be avoided, and members of the Public Services must be secured in any

rights guaranteed to them by the constitution. It was further agreed that for these purposes the Governor-General must be empowered to act in responsibility to Parliament and to implement his decisions if occasion so demands by requiring appropriation of revenue to be made, or by legislative enactment.

17. *Use of the Governor-General's special powers.*—Stress was laid in some quarters of the sub-Committee on the necessity of defining the use of these powers that they should not be brought into play, in derogation of the responsibility of Ministers, for the purpose of day-to-day administration. It is obvious that the Governor-General would consider his relations with his Ministers and the Legislature before making use of these powers. He will have every inducement to stay his hand as long as possible and to be slow to use his own powers in such a way as to enable his Ministers to cast upon him a responsibility which is properly theirs.

18. *Finance. Special provisions.*—In the sphere of Finance, the sub-Committee regard it as a fundamental condition of the success of the new constitution that no room should be left for doubt as to the ability of India to maintain her financial stability and credit, both at home and abroad. It would therefore be necessary to reserve to the Governor-General in regard to budgetary arrangements and borrowing such essential powers as would enable him to intervene if methods were being pursued which would, in his opinion, seriously prejudice the credit of India in the money markets of the world. The sub-Committee recommend, with a view to ensuring confidence in the management of Indian credit and currency, that efforts should be made to establish on sure foundations and free from any political influence, as early as may be found possible, a Reserve Bank, which will be entrusted with the management of the currency and exchange. With the same object again, provision should be made requiring the Governor-General's previous sanction to the introduction of a Bill to amend the Paper Currency or Coinage Acts on the lines of Section 67 of the Government of India Act. They are further agreed that the service of loans, with adequate provision for redemption, by Sinking Funds or otherwise, and the salaries and pensions of persons appointed on guarantees given by the Secretary of State, should be secured, along with the supply required for the Reserved Departments, as Consolidated Fund Charges.

19. With these limitations the sub-Committee do not contemplate any differentiation between the position of the Finance Minister and that of any other Minister responsible to the Legislature, and in regard to taxation, fiscal policy and expenditure on objects other than those under the Governor-General's control, he would be responsible only to the Legislature. In this connection the sub-Committee take note of the proposal that a Statutory Railway Authority should be established, and are of opinion that this should be done, if after expert examination this course seems desirable.

20. The sub-Committee recognise that it may be difficult in existing conditions to set up a Reserve Bank of sufficient strength and equipped with the necessary gold and sterling reserves immediately, and that, therefore, until this has been done some special provisions will be found necessary to secure to the Governor-General adequate control over monetary policy and currency.

21. *Governor-General's ordinary powers.*—The sub-Committee assume that in addition to the special powers indicated above the Governor-General will continue to have, as at present, the right of refusing his assent to legislative measures, and of returning a Bill for reconsideration, and, subject to any Instructions issued to the Governor-General, that the existing powers of reservation and disallowance will remain.

22. *Bills affecting religion and Commercial discrimination.*—The question whether Bills relating to such matters as the religion or religious rites and usages of any class of the community should require the Governor-General's previous sanction to introduction will require consideration, as will also the question of discrimination between different sections of the community in matters of trade and commerce. There was general agreement that in these matters the principle of equality of treatment ought to be established, and various methods were suggested for the purpose. The sub-Committee content themselves, however, with saying that it is one which should be further examined and discussed in consultation with the various interests concerned.

23. *Breakdown of Constitution.*—In the event of a situation unhappily arising in which persistent and concerted action has succeeded in making the constitution unworkable, adequate powers will have to be vested in the Governor-General for the purpose of enabling the King's Government to be carried on.

THE LEGISLATURE.

STRUCTURE AND COMPOSITION.

24. Such being their views as to the character and responsibility of the Executive, the sub-Committee are now in a position to consider in relation to these views—

(4) *the number of members composing each Chamber of the Federal Legislature : and their distribution among the federating units : and*

(5) *the method whereby the representatives from British India and from the Indian States are to be chosen.*

25. *General Principles.*—The general aim of Federal constitutions has been to provide one legislative chamber which represents primarily all the federating units as such, often on a basis of equal

representation for each unit, and a lower chamber which represents, primarily, the population of the whole federal area : and in applying this plan, constitution-makers have commonly provided that the representatives of the federating units in the distinctively federal chamber shall be chosen by the Governments or Legislatures of those units, while the representatives of the population of the federal area shall be returned by some more popular form of election : it has commonly been provided further that the distinctively federal chamber should be the smaller of the two. But India's own practical needs and conditions must be the governing factors, and no constitution, however theoretically perfect, and however closely modelled upon precedents adopted elsewhere, is likely to survive the tests of experience unless it conforms to the needs and genius of the country which adopts it, and unless it is capable of adaptation and modification as the character of these needs is proved in the working. To meet these needs the federal organisation must be conceived not as a rivalry of conflicting elements, but as a partnership for the devising and efficient application by common consent of policies required in the common interest. For such a partnership the stability of the Federal Government is of the first importance.

26. *The Upper Chamber.*—The discussion which took place in the sub-Committee on Heads 4 and 5 proceeded without any prior decision upon the all-important question of the relations between, and the respective powers of, the two chambers ; and it may well be that some of the opinions now provisionally expressed will require revision. But proceeding simply on the basis that there will be two Chambers, the Upper smaller in size than the Lower, and without any decision as to the relations of one to the other, the balance of opinion was to the effect that the Upper Chamber—which might be described as the Senate—of the Federal Legislature should be a small body, of from 100 to 150 members, whose qualifications should be such as will ensure that it is a body of weight, experience and character. It was thought that this object might be secured by prescribing for the candidature of the British India members qualifications similar to those now in force for the Council of State : and the sub-Committee have no doubt that the Rulers of the Indian States, in selecting their representatives, will ensure that they are persons of similar standing.

Method of election to Upper Chamber.—The sub-Committee are almost unanimously of opinion that the British Indian members of the Senate should be elected by the provincial legislatures, by the single transferable vote.

27. *Life of the Upper Chamber.*—The Senate itself should not be subject to dissolution like the Lower House, but a fixed proportion of its members would retire and be replaced (or re-elected as the case may be) at regular periods.

28. *Distribution of Seats in Upper Chamber.*—As regards the distribution of seats in the Senate between the States and British India respectively, the sub-Committee have to report a difference of view. The States representatives on the sub-Committee pressed strongly for equality of distribution as between the States and British India. The British Indian representatives, on the other hand, were disposed to claim, on such grounds as area and population, a preponderance of seats for British India; but though opinions differed as to the precise degree of "weightage" to be conceded to the States, the sub-Committee are unanimous that some "weightage" must be given, and that a distribution of seats as between the States and British India on a strict population ratio would neither be defensible in theory nor desirable in practice. The sub-Committee trust that if the Conference fails to reach unanimity on this point, a satisfactory solution may yet be found as the result of discussion and accommodation hereafter.

29. *Distribution of Seats in Upper Chamber between Provinces.*—Granted a solution of this question, it has still to be considered how the seats available to the States and British India respectively are to be distributed amongst the individual units of each class. So far as the States are concerned, this must clearly be a matter for agreement by their Rulers in consultation between themselves and, if necessary, with the Viceroy. Difficult problems of grouping are involved, but these matters are outside the scope of the Conference. As regards the Provinces, precedents of other Federal constitutions could no doubt be cited in favour of complete equality as between Province and Province, and there was some opinion in the sub-Committee in favour of this plan. But while the opportunity should no doubt be taken for departing from the traditional apportionment as between Province and Province which has survived in the Chambers of the existing Indian Legislature, the sub-Committee are doubtful whether an arrangement which gave, for instance, to Assam with its $7\frac{1}{2}$ millions of inhabitants, and Bengal with its $46\frac{1}{2}$ millions, an equal voice in the counsels of the Nation, would commend itself to general public opinion. On the whole the sub-Committee would be disposed to regard a distribution as between Province and Province on a population ratio as the most convenient and satisfactory arrangement.

30. *The Lower Chamber—Size.*—The trend of opinion as to the size of the Lower Chamber was that it should consist of approximately 300 members, thus providing roughly one representative for each million of the inhabitants of India. On the other hand the view was strongly expressed that the requirements of efficiency would not be met if the Chamber were to exceed 200 as a maximum. The sub-Committee as a whole recognise the force of these considerations, and also of the desire for a Chamber of sufficient size to afford a reasonable approach to adequate representation of the population,

But since no real approach to this latter ideal could be secured without enlarging the Legislature to an undue extent, the sub-Committee think that having regard to the great importance which must be attached to efficiency of working, 250 should be adopted as the number of seats to be provided in the Lower Chamber.

31. *Distribution of Seats in the Lower Chamber.*—In the Lower Chamber the Indian States Delegation do not claim, as they do in the Senate, equality of representation with British India, but here also they claim some greater representation than they would obtain on a strict population ratio. The British Indian representatives on the sub-Committee were not, however, disposed to contemplate a distribution as between themselves and the States in this Chamber on any other basis than that of population. On this basis approximately 76 per cent. of the seats would be assigned to British India and 24 per cent. to the States. But while the latter view must be recorded as that of the majority of the sub-Committee, a substantial minority would regard so great a disparity between the two classes of units as inconsistent with and inimical to the ideal which the Conference has set before itself, and the minority wish strongly to urge upon their colleagues the desirability of subordinating theory to expediency in the interests of goodwill. No Conference can hope to bear fruit unless its members approach their task in a spirit of accommodation, and accommodation in this matter is, they are confident, not beyond the reach of Indian statesmanship.

The question of the respective powers of the two Chambers, which has been touched upon in para. 26 has also an obvious bearing on the matter.

32. *Method of election to Lower Chamber.*—Here again the sub-Committee regret that they are unable to record a unanimous view. The British Indian representatives almost without exception favour direct election by constituencies arranged on a plan generally similar to that of the "general constituencies" for the existing Legislative Assembly. They maintain that this method of election has not proved in practice inconvenient or unworkable, that such inconvenience as it has hitherto presented will be diminished with the increase which they contemplate in the number of seats available and the consequent decrease in the size of constituencies, that ten years' experience has firmly established it in popular favour, and that resort to any method of indirect election would not be accepted by Indian public opinion. Other members of the sub-Committee are unable to contemplate as a fitting repository of power and responsibility a Chamber whose members would have so exiguous a link between themselves and the population of the areas they would purport to represent as would be provided by any system of direct election. Assuming for the sake of argument that as many as 200 seats were available for British Indian representatives, they note that the

average size of a constituency would be some 4,000 square miles, and that if due allowance is made for the comparatively small areas of the urban constituencies, the general average would be even higher. They note that the Franchise sub-Committee have refrained from making any recommendation on the franchise for the Federal Legislature : consequently they cannot bring themselves to regard as popular representation according to the accepted canons of parliamentary government a system which provides for the " election " of members by an average number of some 5,000 electors scattered over an average area of some 4,000 square miles, and this difficulty would not be removed by an increase in the average number of electors by a lowering of the franchise ; for an increase in the number of the voters in such vast constituencies would merely increase the difficulties of establishing contact between the candidate and the voter. But apart from these practical difficulties, some members of the sub-Committee feel strongly that, in the geographical conditions of India, any system of direct election would seriously prejudice the success of the Federal ideal. In their view it is of the utmost importance that the tie between the Centre and the units should be as closely knit as possible ; and that it should be a tie of natural affinity of outlook and interest and capable of counteracting the centrifugal tendencies which, but for such a counterpoise, will be liable to develop in the Provinces from the increased autonomy now in prospect. In the opinion of those who hold this view the only satisfactory basis for representation in either Chamber of the Federal Legislature is election by the Legislatures of the Provinces. This need not involve the mere reproduction of the Lower Chamber on a smaller scale, if, as is suggested in this Report, special qualifications are prescribed for membership of the Senate. But if this plan is not adopted, and the view prevails that the members of the Assembly should be chosen to represent the populations of the units rather than their Governments or Legislatures, those members of the sub-Committee who are opposed to direct election desire to point out that it is not a necessary consequence of a decision in this sense that the populations of the areas should elect their representatives directly. Various devices are known to constitution-makers as alternatives to direct election, and they would strongly urge that every possible alternative should be explored before a final decision is taken.

33. *Life of the Lower Chamber.*—The sub-Committee are of opinion that the term of the Lower Chamber should be five years, unless sooner dissolved by the Governor-General.

34. *Representation of special interests and of the Crown in Federal Legislature.*—Two further points remain to be mentioned in regard to the composition of the Federal Legislature. Opinion was unanimous in the sub-Committee that, subject to any report of the Minorities sub-Committee, provision should be made for the representation, possibly in both Chambers, and certainly in the Lower

Chamber, of certain special interests, namely, the Depressed Classes, Indian Christians, Europeans, Anglo-Indians, Landlords, Commerce (European and Indian) and Labour. Secondly, in their interim Report, the sub-Committee expressed the view that so long as there are any reserved subjects the Crown should be represented in both Chambers. While the sub-Committee unanimously maintain that recommendation, further discussion has disclosed a difference of view as to the functions of the Crown nominees, and as to their numbers. Some members of the sub-Committee consider that their attendance should be solely for the purpose of explaining the Governor-General's policy on his behalf, and that they should not exercise the right to vote in divisions. Others are of opinion that these persons should be full members of the Legislature. Some members of the sub-Committee consider again that the only nominees of the Crown should be the principal advisers of the Governor-General in the administration of the reserved subjects, while others think that the Governor-General should be empowered to nominate a specified number of persons, not exceeding, say, 10, to each Chamber.

35. *Means of securing stability for the Executive.*—The relation of the two Chambers to one another has been touched on above, but a particular aspect of the relation of the Chambers to the Executive was a subject of discussion in the sub-Committee and should be mentioned here. For the purpose of securing greater stability to the Executive the suggestion was made, and found a large measure of support, that Ministers should not be compelled to resign save in the event of a vote of no confidence passed by a majority of at least two-thirds of the two Chambers sitting together. Ministers against whom less than two-thirds of the votes have been cast on a motion of no confidence would not, however, for that reason alone continue to enjoy to any greater extent than before the confidence of the Legislature who would be still able in other ways to make effective their want of confidence. But the sub-Committee are of opinion that some means should be devised whereby, in the interests of stability, an adverse vote should not on every occasion necessarily involve the resignation of the Ministry, and that the subject should be further explored.

36. *Position of States' representatives in relation to matters affecting British India only.*—Since the functions of the Federal Government will extend beyond the range of federal subjects and will embrace those matters which are strictly the concern of British India alone, it has to be decided whether the States' representatives in the Federal Legislature should take any part in the debates and decisions on this latter class of matters with which *ex hypothesi* they will not be directly concerned. There is much to be said in favour of treating all members of the Federal Legislature as entitled and empowered to contribute their share towards the decision of all matters within

the range of the Legislature's duties. It would be clearly impossible, so far as the Executive is concerned (which will, like the Legislature, be composed of representatives of both States and British India) to differentiate the functions of Ministers in such a way as to confine the responsibilities of States' representatives to Federal matters; no workable scheme could be devised with this object which would not cut at the root of the principle of collective responsibility in the Cabinet. For this reason the States desire—with the general assent of the sub-Committee—that their representatives in the Legislature should play their part equally with their British Indian colleagues in expressing the decision of the Legislature on any question which involves the existence of the Ministry, even if the matter which has given rise to the question of confidence is one which primarily affects British India only. At the same time Their Highnesses would prefer that the States' representatives should take no part in the decision of matters which, being outside the range of federal subjects, have no direct interest to the States. It would, no doubt, be possible so to arrange business in the Legislature that Bills or Budget demands of this character should be dealt with either exclusively or in the Committee stage by a Committee (analogous to the Scottish Committee of the House of Commons) consisting of the British Indian representatives alone. Some members of the sub-Committee think, however, that it would be unfortunate to initiate such a system of differentiation, and that, whatever conventions might be observed, it would be undesirable in terms to deprive the Legislature of the contribution which any of its members might be able to make on any matter within the Legislature's purview; and they think that it would be found in practice difficult, if not impossible, to classify a given matter as being one in which the States have no interest or concern, direct or indirect. The sub-Committee recommend, however, that the matter be further explored.

37. *Competence of the Federal Legislature.*—With reference to paragraph 5 of this Report, the reports of two sub-Committees are appended to this Report in which recommendations have been made as to the classification as federal, central or provincial, of all the subjects which are at present within the competence of the Indian Legislature. The sub-Committee endorse generally these recommendations, though they recognise that the further expert examination which the matter will undoubtedly require may show the necessity of some modification and adjustment. It will be observed that, apart from the specific recommendations made with regard to the treatment of the several items in the list, there is a general recommendation that legislative co-ordination required in respect of certain provincial subjects, or aspects of provincial subjects, should no longer be secured by the process of submitting Provincial Bills on these subjects for the previous sanction of

the Governor-General, but firstly by scheduling certain existing Acts (and the same process would, of course, be applied to certain Acts of the Federal Legislature in the future) as being incapable of amendment in their application to a Province by the Provincial Legislature without the previous sanction of the Governor-General and, secondly, by granting concurrent powers of legislation to the Federal Legislature on certain aspects of specified provincial subjects. It would be necessary to include a provision that any Provincial Act relating to these subjects which is repugnant to a Federal Act is, to the extent of the repugnancy, to be void.

38. *Residual powers.*—The sub-Committee draw attention to the fact that, however carefully the lists of Federal, Central and Provincial subjects are drawn up, there is bound to be a residue of subjects not included in any of them. Whether these residuary powers of legislation are to rest with the Federal Government or with the Provinces is a matter on which the sub-Committee have come to no conclusion. Its great importance is, however, manifest, and it will need most careful consideration at a later stage.

39. *Control by the Federal Government over Provincial Governments.*—This topic leads naturally to the question of the powers of control to be exercised by the Federal Executive over the Provincial Executive and their nature and extent. It goes without saying that within the range of Federal subjects, the Federal Executive must have authority to ensure that Federal Acts are duly executed in the Provinces; it also goes without saying that within States' territory there can be no question of the exercise of any such authority, direct or indirect, outside the strict range of Federal subjects. But it seems equally evident that in matters affecting more than one Province of British India, even where they relate to subjects classified as Provincial, there must be some authority capable of resolving disputes and of co-ordinating policy when uniformity of policy is in the interests of India as a whole, and the sub-Committee consider that the constitution should recognise this authority as vesting in the Federal Government and should make suitable provision for its exercise.

Signed on behalf of the sub-Committee,

SANKEY,

Chairman.

ST. JAMES'S PALACE,

LONDON.

13th January, 1931.

APPENDIX I TO SECOND REPORT OF SUB-COMMITTEE No. I.

CLASSIFICATION OF CENTRAL AND PROVINCIAL SUBJECTS.

REPORT OF JOINT COMMITTEE OF SUB-COMMITTEES NOS. I AND II.

The Joint Committee* of the Federal Structure sub-Committee and the Provincial Constitutional sub-Committee was appointed to consider in detail the lists of subjects circulated as R. T. C. [F. (S)] 3, Categories A, B, C and D only, and to suggest a provisional classification into three categories:—

- (a) exclusively Central;
- (b) exclusively Provincial;
- (c) subjects in which the Centre and the Provinces are both interested and which might therefore be subject to central co-ordination, and to make any suggestions that they think fit as to the method to be adopted for securing this co-ordination.

We have considered the various subjects and make the recommendations shown in the right-hand column of the attached Tabular Statement. The enumeration is that of the present list of Central and Provincial subjects, Devolution Rules, Schedule I. "

(Signed) ZWELAND,
Chairman.

6th January, 1931.

Proposed Classification of the Indian Central Subjects as detailed in Devolution Rules, Schedule I, Part I.

(Enumeration is that of the present list of the Indian Central Subjects.)

A : Those which are proposed to be wholly or partly federalised.

B : Those no portion of which is proposed to be federalised.

A : Central subjects which are proposed to be wholly or partly federalised.

The description of subjects in the Devolution Rules.	The recommendations of the Federal Structure sub-Committee regarding the extent to which they should be federalised.	The recommendation of the Joint Committee of sub-Committees Nos. I and II regarding the classification of the residue into three Categories: (a) Exclusively Central. (b) Exclusively Provincial. (c) In which both the Centre and the Provinces are interested and which might be subject to central co-ordination.
5. Communications to the extent described under the following heads, namely : (a) Railways and extra municipal tramways in so far as they are not classified as provincial subjects.	Railways (including railways to be constructed or acquired in future). <i>Federal</i> for policy and legislation. Administration to be Federal to the extent of powers now exercised by the Railway Board.	Present position should be maintained.

* For membership, see list at end of tabular statement.

5—*contd.*

(b) Aircraft and all matters connected therewith.	Federal	
(c) Inland waterways to an extent to be declared by rule made by G. G. in C. or by or under legislation by the Indian Legislature.	Federal for policy and legislation in respect of inland waterways affecting more than one unit.	The Committee is informed that as the administration is provincial there is no residue left for classification. But for steamships see List C, item 31.
6. Shipping and navigation (including shipping and navigation of inland waterways) in so far as declared to be a central subject under entry 5 (c).	Federal for policy and legislation.	The present position should be maintained.
7. Lighthouses (including their approaches), beacons, lightships and buoys.	Federal	
8. Port Quarantine and Marine Hospitals.	Federal as far as international requirements are concerned.	There are no marine hospitals. The only residue is inter-provincial shipping which should be a central subject.
9. Ports declared to be major ports by rule made by the G. G. in C. or by or under legislation by the Indian Legislature.	Such ports to be Federal as are declared to be major ports by rule made by Federal Government or by or under legislation by the Federal Legislature subject in the case of Indian States to such extent as authority may be delegated by the States under a convention.	There is no part of the central subject left which is not federalised.
10. Posts, telegraphs, telephones including wireless installations.	Posts, telegraphs, trunk telephones and wireless installations to be Federal; but with such qualifications as may be necessary for the purposes of adjustment with the States in matters of detail.	The Committee thinks that for technical reasons the local telephones in British India cannot be made a provincial subject. Sir B. N. Mitra suggests that the entry in the second column should be amended as follows:— “ Posts, telegraphs, telephones—excepting local (i.e., non-trunk) telephones in Indian States and wireless installation.”
11. Customs	<i>Maritime Customs</i> : Federal subject to special adjustment with maritime States having regard to their treaties, engagements and agreements. <i>Customs on external Frontier of Federal India</i> : Federal on the lines of maritime customs subject to the special case of Kashmir.	

11. Customs— <i>contd.</i> Income Tax ..	..	Should be Central as at present. Whether any surcharge should be imposed by the Provinces and whether any portion of the revenue should go to the Provinces are matters beyond the terms of reference to the Committee.
Salt Other sources of all-India Revenue.	Federal	As regards these (including excise on motor spirit and kerosine) the position should remain as at present.
12. Currency and Coinage ..	Federal, subject to adjustment with the States concerned of such rights as are not already conceded by them.	
13. Public debt of India ..	Public debt of Federal India (power to raise Federal Loans) should be Federal.	The public debt of India on the date of the inauguration of the Federal constitution should be a central subject.
14. Savings Banks ..	Federal for policy and legislation regarding Post Office Savings Banks.	Since it was not clear to what Savings Banks, other than Post Office Savings Banks, this entry may refer, we have no recommendation to make.
15. The Indian Audit Department.	Federal audit to be Federal.	Provincial accounts should be a provincial subject. As regards audit the general sense of the Committee was that it should be a central subject but a substantial minority thought that the audit of provincial accounts should be a provincial subject.
17. Commerce (including banking and insurance).	Federal for policy and legislation.	Should be Central to the extent to which it is at present.
18. Trading Companies and other associations.	Do.	Do.
20. Development of industries, in cases where such development by central authority is declared by order of the Governor General in Council made after consultation with the local Government or local Governments concerned expedient in the public interests.	Development of Industries to be a Federal subject in cases where such development by Federal Authority is declared by order of the Federal Government made after negotiation with and consent of the federating units.	Development of industries should remain Provincial to the extent to which it is not federalised.
21. Control of cultivation and manufacture of opium. Sale of opium for export.	Federal for policy and legislation.	The position should be maintained as at present.

22. Stores and stationery both imported and indigenous required for Imperial Departments.	Stores and stationery both imported and indigenous required for Federal Departments to be Federal.	As regards non-Federal Central Departments the subject should be under the control of the Centre.
23. Control of petroleum and explosives.	Federal for policy and legislation.	The position should be maintained as at present.
24. Geological Survey of India.	Federal .. ..	..
26. Botanical Survey of India.	Federal .. ..	..
27. Inventions and designs	Federal for policy and legislation.	The position should be maintained as at present.
28. Copyright	Do.	Do.
29. Emigration from and immigration into British India.	Emigration from and immigration into India—Federal.	..
Inter-provincial migration.	..	The Committee suggests that the question of making migration between Federal units a Federal subject should be considered.
31. Central police organisation.	Federal police organisation to be Federal.	Central to the extent it is at present.
32. Control of arms and ammunition.	Traffic in arms and ammunition to be Federal for policy and legislation.	The position as regards control of arms and ammunition as apart from traffic in them should be maintained as at present. The provincial Governments should, however, have power to grant exemptions from the requirements of the Arms Act in respect of provincial areas.
33. Central agencies and institutions for research (including observatories) and for professional or technical training or promotion of special studies.	Federal as regards future agencies and institutions.	As regards existing agencies and institutions the subject should continue to be Central as at present—if it is not federalised.
35. Survey of India	Federal .. ..	..
38. Meteorology	Do. .. ..	..
39. Census	Federal for policy and legislation—the States reserving administration.	Central to the extent it is at present.
Statistics	All-India Statistics—Federal.	..
40. All-India Services ..	Federal Services should be Federal.	Central Services should be a central subject. As regards All-India services, the question is for the consideration of the "Services" sub-Committee.
44. Immoveable property in possession of the Governor General in Council.	Immoveable property acquired and maintained at the cost of Federal Government should be Federal.	Immoveable property acquired and maintained at the cost of Central Government should be Central.
45. The Public Services Commission.	Federal for the purpose of Federal Services.	The Public Services Commission for the Central Services should be

B : Central subjects, no portion of which is proposed to be federalised.

<p>The description of the subjects in the Devolution Rules.</p>	<p>The recommendation of the Joint Committee of sub-Committees Nos. I and II regarding their classification into three categories:</p> <p>(a) Exclusively Central. (b) Exclusively Provincial. (c) In which both the Centre and the Provinces are interested and which might be subject to central legislation.</p>
<p>16. Civil Law including laws regarding status, property, civil rights and liabilities and civil procedure.</p> <p>19. Control of production, supply and distribution of any articles in respect of which control by a central authority is declared by rule made by the Governor-General in Council or by or under legislation by the Indian Legislature to be essential in the public interest save to the extent to which in such rule or legislation such control is directed to be exercised by a local Government.</p> <p>25. Control of Mineral Development in so far as such control is reserved to the Governor-General in Council under rules made or sanctioned by the Secretary of State, and regulation of mines.</p> <p>30. Criminal Law including Criminal Procedure.</p> <p>34. Ecclesiastical administration—including European Cemeteries.</p> <p>36. Survey of India</p> <p>37. Zoological survey</p>	<p>This question has been considered by a special Legal Committee and we therefore refrain from dealing with it. See Appendix II. The majority of the Committee considered that the Central Government should not retain the power which this entry gives.</p> <p>The control of mineral development should be entirely a provincial subject but the regulation of mines should remain a central subject to the extent it is at present.</p> <p>See No. 16 above.</p> <p>This should be a central rather than a provincial subject. It is, however, to be considered whether it should not be a Crown subject. The present position should be maintained.</p> <p>Do.</p>

42. Territorial changes—other than inter-provincial and declaration of laws in connection therewith.

43. Regulation of ceremonial titles, orders, precedence and civil uniform.

The Committee understands that this has already been decided to be a matter to be dealt with under amendments of the constitution.

The Committee understands that this has already been decided to be a matter more properly falling under the authority of the Crown.

The Joint Committee considers that a new entry should be made making Services in the centrally-administered areas and expenditure incurred therein a central subject.

Proposed Classification of those of the Provincial subjects in respect of which some control is exercised by the Centre.

Devolution Rules, Schedule I, Part II.

(Enumeration is that of the present list of the Provincial subjects.)

C: Provincial subjects which are subject to legislation by the Indian Legislature.

D: Provincial subjects specially excepted and those in respect of which extra provincial control is exercised.

C: Provincial subjects subject to legislation by the Indian Legislature.

Description of subject in the Devolution Rules.

The recommendation of the Joint Committee of sub-Committees Nos. I and II regarding their classification into three categories:

- (a) Exclusively Central.
- (b) Exclusively Provincial.
- (c) In which both the Centre and the Provinces are interested and which might be subject to central co-ordination.

Local Self Government.

1. As regards:

(a) the power of local authorities to borrow otherwise than from the Provincial Government;

(b) the levying by such authorities of taxation not included in Schedule II of the Scheduled Taxes Rules.

3. *Public Health Sanitation and Vital Statistics.*

As regards infectious and contagious diseases to such extent as may be declared by any Act of the Indian Legislature.

As regards these two matters the Committee thinks that the words "subject to the previous sanction of a central authority to the extent to which such sanction of the Governor-General is now required" should be substituted for the words "subject to legislation by the Indian Legislature."

In respect of the specific matter of infectious and contagious diseases in the sphere of public health, which is now subject to legislation by the Indian Legislature, the majority of the Committee are in favour of co-ordination as against legislative control by the Centre.

5. *Education.*

As regards the definition of the jurisdiction of any University outside the Province in which it is situated.

6. *Public Works—light and feeder Railways and extra municipal tramways in so far as provision for their instruction and management is made by provincial legislation.*

As regards any such railways or tramways which are in physical connection with a main line or are built on the same gauge as an adjacent main line.

7. *Water-supplies, irrigation and canals, drainage and embankment, water storage and water power.*

As regards matters of inter-provincial concern or affecting the relation of a Province with any other territory.

10. *Agriculture.*

In respect of destructive insects and pests and plant diseases to such extent as may be declared by any Act of the Indian Legislature.

11. *Civil Veterinary Department.*

In respect of animal diseases to such extent as may be declared by any Act of the Indian Legislature.

14. *Forests.*

As regards disforestation of reserved forests.

15. *Land Acquisition.*

17. *Administration of Justice.*

As regards High Courts, Chief Courts, Courts of Judicial Commissioner and any courts of criminal jurisdiction.

19. *Administrators—General and Official Trustees.*

20.—(a) *Non-Judicial Stamps.*

(b) *Judicial Stamps.*

As regards amounts of court fees levied in relation to suits and proceedings in the High Courts under their original jurisdiction.

We suggest that the full Committee should consider whether this should not be a Federal subject.

The present position should be maintained.

Do.

As in No. 3 above.

Do.

The Committee thinks that disforestation of reserved forests should be exclusively Provincial.

Legislation should be exclusively Provincial; but the right of the Central Government to acquire land for its own purposes should be fully safeguarded.

The present position should be maintained.

The subject should in future be Provincial.

In both cases the present position should be maintained.

21. *Registration of deeds and documents.*

22. *Registration of births, deaths and marriages.*

As regards such classes as the Indian Legislature^o may determine.

26. *Industrial matters.*

As regards—

(a) Factories.

(b) Settlement of labour disputes.

(c) Electricity.

(d) Boilers.

(g) Welfare of labour, including provident funds, industrial insurance (general, health and accident) and housing.

28. *Adulteration of Food Stuffs and other articles.*

As regards import and export trade only.

29. *Weights and measures.*

As regards Standards

31. *Inland Waterways including shipping and navigation thereon.*

As regards inland steam vessels only.

33. *Miscellaneous matters.*

(d) *Control of poisons*

(e) *Control of Motor vehicles*

As regards licences valid throughout British India.

(f) *Control of dramatic performances and cinematographs.*

As regards sanction of films for exhibition.

34. *Control of newspapers, books and printing presses.*

37. *Criminal Tribes*

38. *European Vagrancy*

39. *Prison and Prisoners* (except persons detained under—

The Bengal State Prisoners Regulation, 1818.

The Madras State Prisoners Regulation, 1819.

The Bombay Regulation XXV of 1827),

and Reformatories.

In both cases the present position should be maintained.

This should be subject to legislation by the Indian Legislature—

(a) for marriages in the case of such classes as the Indian Legislature may determine.

(b) for births and deaths in the case of Europeans and foreigners.

As regards (a), (b), (c), (d) and (g), there should be a concurrent power of legislation vested in the Provinces and in the Centre. The previous sanction of the Governor-General should not be required in the case of provincial legislation.

The present position should be maintained.

Do.

Do.

Do.

Do.

The subject should be exclusively Provincial.

The present position should be maintained.

The subject should be exclusively Provincial (but with continuance of central legislation as regards State prisoners).

45. *Regulation of medical and other professional qualifications and standards.*

The present position should be maintained. The question of making this subject Federal should be considered.

47. *Control of Services.*

As regards public services within the Province other than All-India Services.

The Committee refrains from making any recommendation as the matter falls within the purview of the "Services" sub-Committee.

The Joint Committee recommends generally with regard to the existing legislation on the above subjects that statutory provision should be made similar to that suggested by the Legal sub-Committee on Civil and Criminal law and procedure, under which certain specified Acts should not be repealed or altered by Provincial Legislatures without the previous sanction of the Governor-General. The Committee assumes that where the Centre and Provinces have concurrent legislative powers, the Central Law would prevail in case of conflict.

D : Provincial subjects specially excepted and those in respect of which extra-provincial control is exercised.

The description of the subject in the Devolution Rules.

The recommendation of the Joint Committee of sub-Committees Nos. I and II regarding their classification into three categories :

- (a) Exclusively Central.
- (b) Exclusively Provincial.
- (c) In which both the Centre and Provinces are interested, and which might be subject to central co-ordination.

5. *Education.*

The following two are not provincial subjects :

- (1) The Benares Hindu University. The Aligarh Muslim University and such other Universities as may be declared by the Governor General in Council to be central subjects.
- (2) Chiefs' colleges and any institution maintained by the Governor-General in Council for the benefit of the members of His Majesty's Forces and of other public servants or of the children of such members or servants.

The Benares and Aligarh Universities should be central subjects, together with such Universities constituted after the inauguration of the new constitution as may be declared by the Central authority to be central subjects.

The question of making chiefs' colleges and institutions for the benefit of members of His Majesty's Forces or their children Federal subjects should be considered ; otherwise Central.

6. *Public Works.*

Ancient monuments as defined in Section 2 (1) of the Ancient Monuments Preservation Act, 1904, which are for the time being declared to be protected monuments under Section 3 (1) of that Act, are central subjects.

8. *Colonisation and disposal of Crown Lands not in possession of the Governor-General in Council.*

The control is exercised by the Secretary of State in Council under Section 30 of the Government of India Act.

16. *Excise.*

Control of cultivation, manufacture and sale for export of opium are central subjects.

24. *Development of mineral resources which are Government property.*

This power is subject to rules made or sanctioned by the Secretary of State.

24A. *Control of production supply and distribution of any articles.*

The extent to which such control is directed to be exercised by a local Government is laid down by

- (a) a rule made by the Governor-General in Council,
- (b) or under legislation by the Indian Legislature.

27. *Stores and Stationery.*

In the case of imported stationery the control is subject to such rules as may be prescribed by the Secretary of State in Council.

30. *Ports.*

Such ports as may be declared by the Governor-General in Council to be major ports by a rule made by the Governor-General in Council or by or under Indian legislation are not provincial but central subjects.

31. *Inland Waterways.*

The Governor-General in Council may declare some to be central subjects.

The position should be maintained as at present.

The Joint Committee considers this subject to be beyond its terms of reference.

The present position should be maintained.

The regulation of development should rest with the Government—Central and Provincial—under whose authority the resources are developed.

See item No. 19 in the list B above.

The Joint Committee sees no necessity for regulation by a superior authority of imports of stationery by provincial Governments.

See item No. 9 in the list A above.

See item No. 5 (b) in the list A above.

32. *Police, including Railway Police.*

In the case of the Railway Police this control is subject to such conditions as regards limits of jurisdiction and Railway contribution to cost of maintenance as the Governor-General in Council may determine.

The present position should be maintained.

39. *Prisons and Prisoners.*

Prisoners detained under the Bengal State Prisoners Regulation, 1818, the Madras State Prisoners Regulation, 1819, the Bombay Regulation XXV of 1827, are central subjects.

See item No. 39 in the list C above.

42. *Libraries and Museums.*

The Imperial Library, the Indian Museum, the Imperial War Museum and the Victoria Memorial, Calcutta, are central subjects.

The present position should be maintained. The question of making these institutions Federal should be considered.

49. *Borrowing money on the sole credit of the Province.*

This power is subject to the provisions of the local Government Borrowing Rules.

The present position should be maintained.

N.B. —The Joint Committee consisted of the following members:—Lord Zetland, Mr. Sastri, Sir B. N. Mitra, Mr. Mudaliyar, Sir M. Shafi, Sir S. Ahmed, Sardar Ujjal Singh, Mr. Gavin Jones, Dr. Ambedkar, Nawab Sir Ahmad Said Khan, Mr. Joshi, Raja Narendra Nath, Sir A. P. Patro, Sir Chimanlal Setalvad, Mr. Zafrullah Khan.

APPENDIX II TO SECOND REPORT OF SUB-COMMITTEE.

No. I.

CIVIL LAW, AND CRIMINAL LAW AND PROCEDURE.

REPORT OF THE LEGAL SUB-COMMITTEE OF SUB-COMMITTEE No. I.

The Legal sub-Committee have considered the possibility of giving Provincial legislatures a plenary power of legislation over the whole field of civil and criminal law and giving the Central legislature power to legislate on those matters only which are necessarily the concern of the Central authority. They find, however, that it would be difficult, if not impossible, to specify or even to indicate in general terms all the matters which should be reserved for the Central legislature, and that, therefore, it will be necessary to give the Central legislature a wide power of legislation. The Committee think also that it is necessary in the interest no less of the Provinces than of British India as a whole that the uniformity in civil and criminal law which now exists should be maintained. At the same time they think that the Provincial legislatures should have a wide power of legislation as regards civil and criminal law for provincial purposes. The sub-Committee think that the objects in view can best be secured by giving the Central legislature a plenary power of legislation on all matters of civil and criminal law and giving Provincial legislatures a concurrent power of legislation except as regards those matters which are necessarily the concern of the Central authority, e.g., laws relating to international obligations, laws for territories not subject to any Provincial legislature and laws affecting any power expressly reserved to the Central authority by any law for the time being in force.

To preserve the uniformity which at present exists the present arrangement should be maintained under which certain important Acts cannot be repealed or altered without the previous sanction of the Governor-General. The Acts are specified in rules made under section 80A (3) (h) of the Government of India Act but the list requires certain alterations and additions.

On all other matters so far as the legislative power of a Provincial legislature is concurrent with that of the Central legislature it should be capable of being exercised without any previous sanction but it should be declared to be subject to legislation by the Central legislature so that in case of a conflict between Central and Provincial legislation the former would prevail. The sub-Committee think that if this plan were adopted Provincial legislatures would have in the field of civil and criminal law a power of legislation which would be sufficient for their needs. To give effect to this plan items 16 and 30 in the Central list should remain as they

are, a complementary entry should be made in the Provincial list and provision should be made somewhere in the Act on the lines of section 80A (3) (h) to secure the uniformity desired.

This uniformity should extend to such matters as those covered by the Acts referred to in the rules made under section 80A (3) (h). The list of the Acts contained in the rules will require further examination and must in any case be brought up to date.

31st December, 1930.

N.B.—The sub-Committee consisted of the following members :—Sir Muhammad Shafi, Sir Tej Bahadur Sapru, Sir C. P. Ramaswami Aiyar, Mr. Jayakar, and Mr. Jinnah, with the assistance of Sir Edward Chamier and Sir Maurice Gwyer.

Sub-Committee No. II (Provincial Constitution).

REPORT PRESENTED AT THIRD MEETING OF THE COMMITTEE OF THE WHOLE CONFERENCE, HELD ON 16TH DECEMBER, 1930.

1. The following report, subject to adjustment to the complete constitution, is submitted by sub-Committee No. II.

2. The sub-Committee was appointed to consider two heads of the Lord Chancellor's list, namely

(a) the powers of the provincial legislatures.

(b) The constitution, character, powers, and responsibilities of the provincial executives.

3. The sub-Committee met on the 4th, 5th, 8th, 9th and 15th December. The proceedings on the first and second days comprised a general discussion of the problem. On the succeeding days particular issues were separately considered and examined. The Chairman ruled that the size, lifetime, number of chambers of the provincial legislatures, and the question of the official bloc might also be discussed as germane to the sub-Committee's Terms of Reference.

4. *The Abolition of Dyarchy.*—The sub-Committee is agreed that in the Governor's provinces the existing system of dyarchy should be abolished and that all provincial subjects, including the portfolio of law and order, should be administered in responsibility to the provincial legislatures. (See note at end.)

5. *The Composition of the Provincial Executives.*—(a) *Joint Responsibility.*—The sub-Committee recommends that there should be unitary executives ; and that the individual Ministers composing the executive should be jointly responsible to the legislature.

(*Raja Narendra Nath awaits the report of the Minorities sub-Committee before agreeing finally to joint responsibility.*)

(b) *The appointment of Ministers.*—The responsibility for appointing Ministers will rest with the Governor. The sub-Committee is of opinion that in the discharge of that function the Governor should ordinarily summon the member possessing the largest following in the legislature, and invite him to select the Ministers and submit their names for approval. The Ministers should ordinarily be drawn from among the elected members of the provincial legislature. In the event of the appointment of a non-elected non-official, such person should be required by statute to secure election to the legislature (and if the legislature be bicameral, to either chamber) within a prescribed period not exceeding six months, but subject to this limit he may be

nominated by the Governor to be a member of the legislature. The sub-Committee is of opinion that there should be no discretion to permit the appointment of an official to the Cabinet.

(The Marquess of Zetland and Sir Robert Hamilton dissent from the last two sentences.)

(c) *Group or communal representation in the Cabinet.*—The sub-Committee considers it a matter of practical importance to the success of the new constitutions that important minority interests should be adequately recognised in the formation of the provincial executives. An obligation to endeavour to secure such representation should be expressed in the Instrument of Instructions to the Governor.

(Mr. Chintamani dissents from the last sentence.)

6. *Powers of the Governor.*—(a) *In regard to legislature.*—

(1) The Governor shall have power to dissolve the legislature ; he may assent or withhold assent to legislation ; he may return a bill for reconsideration by the legislature, or reserve it for the consideration of the Governor-General.

(2) It shall not be lawful without the previous sanction of the Governor to introduce any legislation.

(i) affecting the religion or religious rites of any class or community in the Province ;

(ii) regulating any subject declared under the constitution to be a federal or central subject ;

(iii) any measure repealing or affecting any Act of the federal or central legislature or Ordinance made by the Governor-General.

(b) *Conduct of business.*—(1) The Governor shall, with the knowledge of his Ministers, be placed in possession of such information as may be needed by him for the discharge of duties imposed upon him by the constitution.

(2) In the opinion of the sub-Committee, the Chief Minister should preside over meetings of the Cabinet ; but on any special occasion, the Governor may preside.

(c) *Relations of the Governor to his Ministers.*—(1) The Ministers shall hold office during the pleasure of the Governor.

(2) Sub-section 3 of section 52 of the Government of India Act, which confers a general power on the Governor to refuse to be guided by the advice of his Ministers when he sees sufficient cause to dissent from their opinion shall no longer operate. The Governor's power to direct that action should be taken otherwise than in accordance with the advice of the Ministers, shall be restricted to the discharge of the specified duties imposed on him

by the constitution. These duties shall include the protection of minorities and the safeguarding of the safety and tranquillity of the Province.

(d) *Special and Emergency powers.*—There shall be vested in the Governor (1) suitable powers in regard to legislation and finance necessary for the discharge of the specified duties imposed upon him by the constitution and (2) suitable emergency powers to carry on the administration in the event of a breakdown of government or the constitution. The powers under (2) shall not remain in operation for more than six months without the approval of Parliament expressed by a resolution of both Houses.

The sub-Committee suggests a rider that in their opinion it is desirable that the present rigid convention in Provinces other than the Presidencies of appointing Governors drawn from the Indian Civil Service should be relaxed. (There was some support for the substitution of the word “discontinued” for the word “relaxed.”)

(*Sir Chimanlal Setalvad, Sir Cowasji Jehangir and Messrs. Ramachandra Rao, Barooah, Chintamani, Joshi, Paul and Ambedkar dissent from the sub-Committee's conclusions on the powers of the Governor.*)

7. *The Composition of the Provincial Legislatures.*—(a) *Their size.*—The sub-Committee anticipates that, to meet the conditions of the new constitutions and electorates, the provincial legislatures will require to be enlarged on the basis of ascertained needs, regard being had to the numbers and character of the constituencies.

(b) *Their lifetime.*—In the opinion of the sub-Committee the normal lifetime of the provincial legislatures should not exceed five years.

(c) *The official bloc.*—With the possible exception of a strictly limited proportion of non-officials who may in some Provinces require to be nominated by the Governor to secure the representation of groups unable to return their own members through the polls, the new provincial legislatures should consist wholly of elected members, and the official bloc should disappear.

(d) *Second Chambers.*—The existing provincial legislatures are unicameral. The sub-Committee recognises that conditions in some Provinces may make it desirable that the provincial legislatures should be bicameral; but the decision to incorporate a second chamber in the new constitution of any Province other than Bengal, the United Provinces and Bihar and Orissa where opinion in favour of a second chamber has already been expressed should not be taken until opinion in the Province definitely favours this course.

[The reference to the Provinces of Bengal, the United Provinces and Bihar and Orissa was inserted at the wish of a majority of the sub-Committee.]

Note.

(1) The question of the administration of the police was raised by Lord Zetland under para. 4, and it was decided that this should be left for the report of the Services sub-Committee when set up.

(2) The sub-Committee did not consider the constitution of the North West Frontier Province since it was understood that a special sub-Committee would be set up to deal with this subject.

(Sd.) ARTHUR HENDERSON,
Chairman.

Secretariat-General,

St. James's Palace, London.

15th December, 1930.

The following Delegates were members of the sub-Committee :—

COMPOSITION.

Mr. A. Henderson (*Chairman*).

Lord Zetland.

Sir Robert Hamilton.

H. H. The Maharaja of Nawanagar.

Sir Prabhashankar Pattani.

Rao Bahadur Krishnama Chari.

Sir Ghulam Hussain Hidayatullah.

Mr. Jadhav.

Sir Chimanlal Setalvad.

Sir Cowasji Jehangir.

Sir Shah Nawaz Bhutto.

Sir Provash Chunder Mitter.

Mr. Fazl-ul-Huq.

Raja of Parlakimedi.

Mr. Ramachandra Rao.

Sir A. P. Patro.

Nawab Sir Ahmad Said Khan.

Mr. Chintamani.

Mr. Tambe.

Mr. Zafrullah Khan.

Raja Narendra Nath.

Sardar Sampuran Singh.

Maharaja of Darbhanga.

Mr. Barooah.

Sir Abdul Qaiyum.

Mr. Wood.

Mr. Paul.

Mr. Joshi.

Dr. Ambedkar.

} Holding a watching
brief.

Sub-Committee No. III (Minorities).

REPORT PRESENTED AT MEETINGS OF THE COMMITTEE OF THE WHOLE
CONFERENCE, HELD ON 16TH AND 19TH JANUARY, 1931.

*(With an amendment passed by the Committee of the whole Conference
on 19th January, 1931.)*

1. The sub-Committee was set up to consider the claims of minorities, other than those incidental to the subjects referred to other Committees, and was composed of the following members :—

Prime Minister (*Chairman*).

Sir W. A. Jowitt.

Lord Peel.

Major Stanley.

Lord Reading.

Mr. Foot.

H. H. The Aga Khan.

Maulana Muhammad Ali.

Dr. Ambedkar.

Sir Shah Nawaz Bhutto (after the death of Maulana

Sir Hubert Carr. Muhammad Ali).

Mr. Chintamani.

Nawab of Chhitari.

Mr. Fazl-ul-Huq.

Mr. Ghuznavi.

Lieut.-Col. Gidney.

K. B. Hafiz Hidayat Husain.

Mr. Joshi.

Sir P. C. Mitter.

Dr. Moonje.

Raja Narendra Nath.

Rao Bahadur Pannir Selvam.

Sir A. P. Patro.

Mr. Paul.

Mr. Ramachandra Rao.

Mr. Shiva Rao.

Sir Sultan Ahmed.

Sir M. Shafi.

Sardar Sampuran Singh.

Mr. Sastri.

Sir C. Setalvad.

Sir Phiroze Sethna.

Dr. Shafa'at Ahmad Khan.

Begum Shah Nawaz.

Rao Bahadur Srinivasan.

Mrs. Subbarayan.

Sardar Ujjal Singh.

Mr. Zafarullah Khan.

Captain Raja Sher Muhammad Khan and Nawab Sir Abdul
Qaiyum (after the departure of Sir Sultan Ahmed and
the Nawab of Chhitari).

2. The sub-Committee felt that the first task to which it should address itself was to have an authoritative statement of claims put in by the representatives of each community with proposals as to how their interests should be safeguarded. Opinion was unanimous that, in order to secure the co-operation of all communities, which is essential to the successful working of responsible government in India, it was necessary that the new constitution should contain provisions designed to assure communities that their interests would not be prejudiced; and that it was particularly desirable that some agreement should be come to between the major communities in order to facilitate the consideration of the whole question. Although this was very nearly accomplished, it has not yet succeeded, but the negotiations are to be continued both here and in India.

3. One of the chief proposals brought before the sub-Committee was the inclusion in the constitution of a declaration of fundamental rights safeguarding the cultural and religious life of the various communities and securing to every individual, without discrimination as to race, caste, creed or sex, the free exercise of economic, social and civil rights. (Mr. Joshi objected to the omission of reference to the economic rights of the various communities. Dr. Ambedkar called attention to the necessity of including in the constitution sanctions for the enforcement of the fundamental rights, including a right of redress when they are violated.)

4. The possibility was expressed that under certain conditions the election of the Legislatures might be from a general register, but no agreement was come to regarding these conditions.

Whilst it was generally admitted that a system of joint free electorates was in the abstract the most consistent with democratic principles as generally understood, and would be acceptable to the Depressed Classes after a short transitional period provided the franchise was based on adult suffrage, the opinion was expressed that, in view of the distribution of the communities in India and of their unequal economic, social and political effectiveness, there was a real danger that under such a system the representation secured by minorities would be totally inadequate, and that this system would therefore give no communal security.

5. Claims were therefore advanced by various communities that arrangements should be made for communal representation and for fixed proportions of seats. It was also urged that the number of seats reserved for a minority community should in no case be less than its proportion in the population. The methods by which this could be secured were mainly three: (1) nomination, (2) joint electorates with reservation of seats, and (3) separate electorates.

6. Nomination was unanimously deprecated.

7. Joint electorates were proposed, with the proviso that a proportion of seats should be reserved to the communities. Thus a more democratic form would be given to the elections, whilst the purpose of the separate electorate system would be secured. Doubts were expressed that, whilst such a system of election might secure the representation of minorities, it provided no guarantee that the representation would be genuine, but that it might, in its working, mean the nomination or, in any event, the election of minority representatives by the majority communities.

It was pointed out that this was in fact only a form of community representation and had in practice all the objections to the more direct form of community electorates.

8. The discussion made it evident that the demand which remained as the only one which would be generally acceptable was separate electorates. The ~~g~~ objection to this scheme has been subject to much previous discussion in India. It involves what is a very difficult problem for solution, viz., what should be the amount of communal representation in the various Provinces and in the Centre ; that, if the whole, or practically the whole, of the seats in a Legislature are to be assigned to communities, there will be no room for the growth of independent political opinion or of true political parties, and this problem received a serious complication by the demand of the representative of the Depressed Classes that they should be deducted from the Hindu population and be regarded, for electoral purposes, as a separate community.

9. It was suggested that, in order to meet the most obvious objection to the earmarking of seats to communities, only a proportion should be so assigned—say 80 per cent., or 90 per cent.—and that the rest should be filled by open election. This, however, was not regarded by some of the communities as giving them the guarantees they required.

10. The scheme proposed by Maulana Muhammad Ali, a member of the sub-Committee, whose death we deplore, that, as far as possible, no communal candidate should be elected unless he secured at least 40 per cent. of the votes of his own community and at least 5 or 10 per cent., according to arrangement, of the votes of the other community, was also considered. It was, however, pointed out that such a scheme necessarily involved the maintenance of communal registers, and so was open to objections similar to those urged against separate electorates.

11. No claim for separate electorates or for the reservation of seats in joint electorates was made on behalf of women who should continue to be eligible for election on the same footing as men.

But, in order to familiarise the public mind with the idea of women taking an active part in political life and to secure their interim representation on the Legislature, it was urged that 5 per cent. of the seats in the first three Councils should be reserved for women and it was suggested that they should be filled by co-option by the elected members voting by proportional representation.

12. There was general agreement with the recommendation of sub-Committee No. II (Provincial Constitution) that the representation on the Provincial Executives of important minority communities was a matter of the greatest practical importance for the successful working of the new constitution, and it was also agreed that, on the same grounds, Muhammadans should be represented on the Federal Executive. On behalf of the smaller minorities a claim was put forward for their representation, either individually or collectively, on the Provincial and Federal Executives, or that, if this should be found impossible, in each Cabinet there should be a Minister specially charged with the duty of protecting ~~minorities~~ ^{minorities}.

(Dr. Ambedkar and Sardar Ujjal Singh would add the words "and other important minorities" after the word Muhammadans in line 6.)

The difficulty of working jointly responsible Executives under such a scheme as this was pointed out.

13. As regards the administration, it was agreed that recruitment to both Provincial and Central Services should be entrusted to Public Service Commissions, with instructions to reconcile the claims of the various communities to fair and adequate representation in the Public Services, whilst providing for the maintenance of a proper standard of efficiency.

*14. On behalf of the British commercial community it was urged that a commercial treaty should be concluded between Great Britain and India, guaranteeing to the British mercantile community trading rights in India equal to those enjoyed by Indian-born subjects of His Majesty on the basis of reciprocal rights to be guaranteed to Indians in the United Kingdom. It was agreed that the existing rights of the European community in India in regard to criminal trials should be maintained.

15. The discussion in the sub-Committee has enabled the Delegates to face the difficulties involved in the schemes put up, and though no general agreement has been reached, its necessity has become more apparent than ever.

16. It has also been made clear that the British Government cannot, with any chance of agreement, impose upon the communities an electoral principle which, in some feature or other, would be met

by their opposition. It was therefore plain that, failing an agreement, separate electorates with all their drawbacks and difficulties, would have to be retained as the basis of the electoral arrangements under the new constitution. From this the question of proportions would arise. Under these circumstances, the claims of the Depressed Classes will have to be considered adequately.

17. The sub-Committee, therefore, recommend that the Conference should register an opinion that it was desirable that an agreement upon the claims made to it should be reached, and that the negotiations should be continued between the representatives concerned, with a request that the result of their efforts should be reported to those engaged in the next stage of these negotiations.

18. The Minorities and Depressed Classes were definite in their assertion that they could not consent to any self-governing constitution for India unless their demands were met in a reasonable manner.

Signed on behalf of the sub-Committee,

J. RAMSAY MACDONALD.

St. James's Palace, London.

16th January, 1931.

*The Committee of the whole Conference at their meeting on 19th January, 1931, substituted the following for paragraph 14 :—

“ At the instance of the British commercial community the principle was generally agreed that there should be no discrimination between the rights of the British mercantile community, firms and companies, trading in India and the rights of Indian-born subjects, and that an appropriate convention based on reciprocity should be entered into for the purpose of regulating these rights.

It was agreed that the existing rights of the European community in India in regard to criminal trials should be maintained.”

Sub-Committee No. IV. (Burma.)

REPORT PRESENTED AT 3RD MEETING OF THE COMMITTEE OF THE WHOLE
CONFERENCE, ON 16TH JANUARY, 1931.

On December 1st the Committee of the whole Conference set up a sub-Committee with the following terms of reference :—

“ To consider the nature of the conditions which would enable Burma to be separated from British India on equitable terms, and to recommend the best way of securing this end.”

The following Delegates were selected to serve on this sub-Committee, over which I was appointed Chairman :—

Lord Peel.	Mr. Srinivasan.
Mr. Foot.	Captain Raja Sher Muhammad
Mr. Aung Thin.	Khan.
Mr. Ba Pe.	Mr. Mody.
Mr. Ohn Ghine.	Mr. Ghuznavi.
Mr. de Glanville.	Sir B. N. Mitra.
Mr. Chintamani.	Sir Hubert Carr.

Mr. Shiva Rao was subsequently selected to take the place of Mr. Chintamani.

The sub-Committee met on the 5th, 8th, and 9th December, 1930, and have authorised me to present this Report. The following conclusions were reached :—

(1) The sub-Committee ask His Majesty's Government to make a public announcement that the principle of separation is accepted ; and that the prospects of constitutional advance towards responsible government held out to Burma as part of British India will not be prejudiced by separation.

[Mr. Mody and Mr. Shiva Rao desire it to be recorded that they cannot endorse this recommendation without qualification.]

(2) The sub-Committee are of opinion that the legitimate interests of Indian and other minorities must be safeguarded. They are not in a position to advise as to the particular form of protection these interests require. They consider that when the details of the constitution of Burma are being discussed, the fullest opportunity should be given to all minorities and to the Government of India to represent their views and to state the nature and extent of the safeguards they consider necessary. The sub-Committee consider that adequate attention should be paid to the question of immigration of Indian Labour and that provision should be made for the regulation of the conditions of both the work and life of the immigrants. The sub-Committee also especially stress the importance of there being no discrimination as regards Indians entering Burma.

(3) There must be a financial settlement between India and Burma.

The questions are very difficult and technical, and the sub-Committee consider that they should be dealt with in the manner recommended by the Government of India in paragraph 93* of their Despatch (Cmd. 3700).

The sub-Committee also recommend that when the *casus* has been thoroughly explored by the experts of the two Governments, the statements prepared by these experts should be laid before the Standing Finance Committees of the Indian Legislative Assembly and the Burma Legislative Council respectively, and that representatives of these Committees should be associated with the experts in the proceedings of the Arbitral Board.

The sub-Committee also endorse the view expressed by the Government of India in paragraph 86 of their Despatch† regarding "the great desirability . . . of adjusting the relations between the two countries in a spirit of reason and mutual accommodation so as to avoid as far as possible the ill effects which might arise from so great a change in long established practice." They venture to express the hope that all negotiations between the two Governments, whether in relation to the financial adjustment or to other matters, will be approached in this spirit.

(4) The sub-Committee recognise that adequate arrangements must be made for the defence of Burma after separation, but they consider that the precise nature of these arrangements must be decided in the light of expert military opinion.

(5) The sub-Committee note the fact that arrangements for the taking over of the administration of subjects now classed as Central in the Devolution Rules must be made by the Government of Burma. The sub-Committee recommend that it should be considered whether, subject to the consent of the Government of India and on terms to be arranged, the Government of Burma should continue to make use of certain scientific Services of the Government of India.

(6) The sub-Committee express the hope that it may be found possible to conclude a favourable Trade Convention between India and Burma. They believe that a Trade Convention would benefit both countries, and they think it important that separation should cause a minimum disturbance of the close trade connections that exist between the two countries.

(Signed) RUSSELL,
Chairman.

St. James's Palace,
London.

9th December, 1930.

* Annex.

† Cmd. 3700.

ANNEX.

EXTRACT FROM PARAGRAPH 93 OF THE DESPATCH OF THE GOVERNMENT OF INDIA (CMD. 3700).

"It is clear that the separation of the finances of the country will raise extremely difficult issues, requiring close expert analysis, in the decision of which it will be essential to hold an even balance between what may be conflicting claims. We agree with the local Government that the best method of approaching this difficult problem is to endeavour, by mutual co-operation between the Government of India and the Government of Burma, to draw up an agreed statement of the case for reference to an impartial tribunal. The subjects requiring settlement will be of a technical nature, and will include, besides the normal questions of the adjustment of revenue and expenditure, such matters as the allocation of debt charges and the adjustment of currency arrangements. No constitutional commission could deal satisfactorily with these questions, for its functions would be entirely different, as also its probable methods of enquiry. In arriving at a financial settlement the main point to be considered is the need for satisfying public opinion in both countries that each is being fairly treated. Indian public opinion would watch this aspect of the arrangements very jealously, more particularly the allocation of debt burdens. We believe that a committee of the Privy Council would be the sort of tribunal most likely to satisfy Indian opinion. Their decisions could be given on evidence placed before them, assisted by expert witnesses, or possibly assessors, from India and from Burma."

Sub-Committee No. V. (North West Frontier Province.)

REPORT PRESENTED AT THE MEETING OF THE COMMITTEE OF THE WHOLE CONFERENCE, HELD ON 16TH JANUARY, 1931.

1. Sub-Committee No. V submits the following report subject to adjustment to the complete constitution.

2. The terms of reference to the sub-Committee were to consider "what modifications, if any, are to be made in the general provincial constitution to suit the special circumstances of the North West Frontier Province."

3. The sub-Committee comprised the following members :—

Mr. A. Henderson
(*Chairman*).

Lord Russell.
Lord Reading.
Lord Lothian.
Lord Zetland.

Sir Samuel Hoare.
Maulana Muhammad Ali.
Sir Shah Nawaz Bhutto.
Captain Raja Sher
Muhammad Khan.

Dr. Moonje.

Sir B. N. Mitra.

Raja Narendra Nath.

Mr. H. P. Mody.

Sir A. P. Patro.

Nawab Sir Abdul Qaiyum
Khan.

Sir Muhammad Shafi.

Sardar Sampuran Singh.

Dr. Shafa'at Ahmad Khan.

Mr. C. E. Wood.

Mr. Zafrullah Khan.

It held meetings on the 18th and 30th December, 1930, and on the 1st January, 1931.

4. *The Need for Reform.*—The sub-Committee is unanimous in attaching urgent importance to the need for reform in the North West Frontier Province. It recommends that the five administered districts should cease to be as they are at present a centrally administered territory under the direct control of the Government of India, and that they should be given the status of a Governor's province, subject to such adjustment of detail as local circumstances require, and the extent of the All-India interests in the province necessitate.

5. *The Classification of Provincial Subjects.*—The sub-Committee recommends that, as in other Governors' provinces, there should be a classification of provincial subjects entrusted to the charge of the provincial government. The precise discrimination of subjects between the Centre and the North West Frontier Province will require careful investigation, if necessary, by a specially constituted committee following broadly the lines of the classification in other provinces. Subject to the findings of such a committee the sub-Committee contemplates that the charge of the ordinary civil police

in the five administered districts excluding the frontier constabulary will pass to the provincial government of these districts, but in view in particular of the close relation of the province with matters of defence and foreign policy the sub-Committee considers it essential that all matters of All-India importance and all matters connected with the control of the tribal tracts, for instance, the frontier constabulary, frontier remissions and allowances, and strategic roads should be excluded from the purview of the provincial government and classed as central subjects. The broad point is that in making the dividing line between central and provincial subjects, regard would be had to the need for classifying as central certain subjects of All-India importance peculiar to the present administration of the North West Frontier Province, which could not properly be entrusted to the provincial legislature.

6. *The Executive.*—The sub-Committee recommends that the Executive should consist of the Governor assisted by the advice of two ministers drawn from the non-official members of the legislature, at least one of whom shall be elected.

The Governor should also function as Agent to the Governor-General for the control of the tribal tracts, and the administration of central subjects peculiar to the North West Frontier Province. With these subjects, since they will be not provincial but central subjects, the ministers will have no concern. The sub-Committee considers it essential owing to the close inter-relation between the trans-border tracts and the settled districts and in order that All-India interests may be adequately secured—that in addition to possessing all the powers vested in the Governor of a Governor's province, the Governor of the North West Frontier Province should be the effective head of the Provincial administration and should preside over the meetings of his own cabinet.

Note I.—Sir Samuel Hoare holds the view that in accordance with the recommendation of the Chief Commissioner of the North West Frontier Province, and the Despatch of the Government of India, one of the ministers should be an official.

Note II.—Sir B. N. Mitra suggested the words “acting on the advice of two ministers” in place of the words “assisted by the advice of two ministers” in the first sentence of the paragraph.

7. *The Legislature.*—(i) A unicameral legislative Council. The sub-Committee recommends that there should be set up for the five administered districts a single-chamber legislative Council with power to pass legislation and vote supply in regard to all subjects that may be classed as provincial. In addition the legislature should possess the usual powers of deliberation and of interpellation.

(ii) Its size. The size of the legislature should be suited to the convenience of the constituencies. The sub-Committee contemplates a legislative Council with a probable total membership, elected and nominated, of not more than 40 members.

(iii) Its composition. The sub-Committee considers, that the legislature should for the present be composed both of elected and of nominated elements. The nominated members shall not exceed 14 members in a house of 40 ; and of the nominated members not more than six to eight should be officials.

(iv) The franchise. The sub-Committee suggests that the franchise in the North West Frontier Province should be examined by the Franchise Committee to be set up to report on the franchise in all provinces.

(v) Minority representation. Subject to such recommendations, as the Minorities sub-Committee may make, this sub-Committee considers that if Muslims are given weightage in provinces where they are in a minority, the Hindus and Sikhs in the North West Frontier Province should be given weightage in the legislature of that province. Their representation might be three times the figure to which they would be entitled on a population basis.

8. *The Financial Settlement.*—The sub-Committee is satisfied from figures placed before it that on subjects which may be expected to be classed as provincial, the province will show a large financial deficit. It follows that the provincial government will require financial assistance from central (or federal) revenues. The Committee suggests that there should be preliminary expert investigation into the allocation of expenditure between central and provincial heads to supply the basis from which the financial subvention from central (or federal) revenues may be calculated. The sub-Committee apprehends that if the subvention be open to debate annually in the central (or federal) legislature, the substance of provincial autonomy in the North West Frontier Province may be impaired. It suggests that the difficulty might be met by an agreed convention that each financial assignment should run undisturbed for a period of years.

(Signed) ARTHUR HENDERSON,

Chairman.

St. James's Palace,
London.

1st January, 1931.

Sub-Committee No. VI (Franchise).

REPORT PRESENTED AT THE MEETING OF THE COMMITTEE OF THE
WHOLE CONFERENCE, HELD ON 16TH JANUARY, 1931.

1. The terms of reference to this sub-Committee were as follows :—

“ On what main principles is the Franchise to be based for men and women.”

The following Delegates were selected to serve on the sub-Committee :—

Sir W. A. Jowitt
(*Chairman*).

Lord Zetland.

Major Stanley.

Sir R. Hamilton.

Mr. Foot.

Dr. Ambedkar.

Mr. Basu.

Mr. Barooah.

Mr. Chintamani.

Mr. Fazl-ul-Huq.

Mr. Ghaznavi.

Lieut.-Colonel Gidney.

Sir Ghulam Hussain

Hidayatullah.

Mr. Hafiz Hidayat Husain.

Mr. B. V. Jadhav.

Sir Cowasji Jehangir.

Mr. Joshi.

Dr. Narendra Nath Law.

Sir P. C. Mitter.

Mr. Pannir Selvam.

Raja of Parlakimedi.

Mr. K. T. Paul.

Mr. Ramachandra Rao.

Mr. Shiva Rao.

Sardar Sampuran Singh.

Sardar Ujjal Singh.

Sir Chimanlal Setalvad.

Kunwar Bisheshwar Dayal
Seth.

Sir Phiroze Sethna.

Dr. Shafa'at Ahmad Khan.

Mr. Zafrullah Khan.

Begum Shah Nawaz.

Mrs. Subbarayan.

Mr. Srinivasan.

Mr. S. B. Tambe.

Sir Hubert Carr.

2. The sub-Committee met on the 19th, 22nd, and 30th of December, 1930, and on the 1st of January, 1931, and have authorised me to present this Report.

3. In our discussion of the franchise principles we have found that they were closely connected with questions which more properly concern the composition of the legislature, the nature of the constituencies, and the qualifications for candidates for election. These points have not been considered in the sub-Committee as they fall outside its terms of reference but we are of opinion that they should be further examined since the efficacy of any franchise system depends as much on these points as on the qualifications for the franchise.

4. *Extension of the franchise.*—While it was generally held that adult suffrage was the goal which should ultimately be attained, it was agreed that the basis of the franchise could forthwith be broadened and that a large increase was desirable.

Some difference of opinion existed as to the extent to which this was practicable in present circumstances, and it was realised that the sub-Committee had not the necessary material to determine the precise limits of the advance. The Statutory Commission suggested such an increase in the number of electors as would bring that number up to 10 per cent. of the total population. Some of our members thought that an increase to 25 per cent. of the total population was immediately practicable.

We recommend that an expert Franchise Commission should be appointed with instructions to provide for the immediate increase of the electorate so as to enfranchise not less than 10 per cent. of the total population and indeed a larger number—but not more than 25 per cent. of the total population—if that should, on a full investigation, be found practicable and desirable.

We recommend that, in addition to providing for this increase, the Commission should consider the introduction of a scheme by which all adults not entitled to a direct vote would be grouped together in primary groups of about 20 or in some other suitable manner, for the election of one representative member from each group, who would be entitled to vote in the Provincial elections either in the same constituencies as the directly qualified voters or in separate constituencies to be formed for them.

[Mr. Joshi, Mr. Shiva Rao, Dr. Ambedkar, Mr. Srinivasan, Mr. K. T. Paul, and Mr. Jadhav regard these proposals as quite inadequate and consider that the immediate introduction of adult suffrage is both practicable and desirable.]

Sir Cowasji Jehangir and Sir P. C. Mitter dissent from these proposals and consider that the basis of the franchise should be broadened, if at all, by another system.]

5. *Uniformity of qualifications for the franchise.*—We recommend that in any given area the franchise qualifications should be the same for all communities ; but we desire that the Franchise Commission in making their proposals should bear in mind that the ideal system would as nearly as possible give each community a voting strength proportional to its numbers and that the Commission should so contrive their franchise system as to secure this result in so far as it may be practicable.

[Sardar Ujjal Singh, Sardar Sampuran Singh, Sir Cowasji Jehangir, and Lieut.-Colonel Gidney dissent from the latter part of this conclusion.]

6. *Property qualification*.—We consider that there should be a property qualification for the franchise and that in this connection the word “property” should be understood in its widest sense as including not only the ownership of landed property but also the occupation of landed or house property or the receipt of income or wages whether in cash or kind.

7. *Educational qualification*.—We are of opinion that the Franchise Commission should consider the possibility of framing a suitable educational qualification as an additional qualification for the franchise, bearing in mind the ideal enunciated at the end of paragraph 5.

8. *Military service qualification*.—We are agreed that the existing Military Service qualification should be retained and we recommend that the Franchise Commission should consider the extension of this qualification so as to include service in the Auxiliary and Territorial Forces.

9. *Special franchise qualification for women*.—We observe that under the existing franchise the number of women voters is infinitesimal as compared with that of men. No system of franchise can be considered as satisfactory, or as likely to lead to good government where such a great disparity exists between the voting strength of the two sexes. We do not anticipate that the recommendations we have already made will reduce this disparity, nor do we think that they provide sufficiently for the enfranchisement of women. We therefore agree that special qualifications should be prescribed for women but we feel that there is not sufficient material before us to justify an attempt to formulate these special qualifications. We therefore recommend that the Franchise Commission should devote special attention to this question in the light of all the evidence available including the recommendations of the Statutory Commission and the suggestion made in this sub-Committee that the age limit mentioned in the proposals of the Statutory Commission should be lowered from 25 to 21.

[Mr. Joshi, Mr. Shiva Rao, Dr. Ambedkar, and Mr. Srinivasan dissent from the proposals in paragraphs 7, 8, and 9.]

10. *The franchise for special constituencies*.—We are of opinion that the franchise qualifications for special constituencies depend essentially on the nature of those constituencies. We are not empowered to consider the latter point nor are we in possession of information as to what special constituencies are contemplated. These questions require examination by a competent body. So far as the franchise aspect has been discussed in this sub-Committee a division of opinion has shown itself as to the desirability of permitting a voter qualified in both a general and a special constituency to vote in both.

11. *Urban and rural enfranchisement.*—We are of opinion that the Franchise Commission should endeavour so to adjust the franchise qualifications as to remove in those areas where it may exist any marked disparity in the operation of the franchise qualifications in urban as compared with rural areas.

12. *The residential requirement.*—We are of opinion that the residential qualification for the vote required by the electoral rules of certain Provinces should be abolished.

13. *The future electorate.*—We consider it inadvisable to lay down any programme of automatic extensions of the franchise. We prefer that it should be left to each Provincial Legislature to extend its franchise at its discretion after the lapse of 10 years from the date of the introduction of the new Constitutions.

[Mr. Joshi, Mr. Shiva Rao, Dr. Ambedkar, and Mr. Srinivasan consider that a programme of automatic extension of the franchise should be laid down.]

14. *Franchise for the Central or Federal Legislature.*—The form of the Central or Federal Legislature has not yet been decided and in these circumstances we do not find it possible to make any suggestions regarding a suitable franchise system.

[Mr. Fazl-ul-Huq and Mr. Ghuznavi desire it to be recorded that their assent to this report is contingent on the retention of separate electorates.]

(Sd.) W. A. JOWITT,

Chairman.

St. James's Palace, London.

1st January, 1931.

Sub-Committee No. VII (Defence).

REPORT PRESENTED AT THE MEETING OF THE COMMITTEE OF THE WHOLE CONFERENCE HELD ON 16TH JANUARY, 1931.

1. The terms of reference of this sub-Committee were as follows :—

“ To consider questions of political principle relating to defence, other than strictly constitutional aspects to be considered under heads 6 (Powers of the Executive) and 12 (Relations with the Crown). ”

The following Delegates were selected to serve on the sub-Committee :—

Mr. J. H. Thomas (*Chairman*).
 Lord Peel.
 Sir S. Hoare.
 Lord Reading.
 Lord Lothian.
 H. H. The Maharaja of Alwar.
 H. H. The Nawab of Bhopal.
 H. H. The Maharaja of Bikaner.
 H. H. The Maharaja of Kashmir.
 H. H. The Maharaja of Patiala.
 Sir Akbar Hydari.
 Sir Mirza Ismail.
 Colonel Haksar.
 The Rt. Hon. Srinivasa Sastri.
 Sir Tej Bahadur Sapru.
 Diwan Bahadur M. Ramachandra Rao.
 Diwan Bahadur Ramaswami Mudaliyar.
 Sir Phiroze Sethna.
 Mr. M. R. Jayakar.
 Dr. B. S. Moonje.
 Mr. Jadhav.
 Sir B. N. Mitra.
 Sardar Sahib Ujjal Singh.
 Lieut.-Col. Gidney.
 Sir Hubert Carr.
 Sir Muhammad Shafi.
 Mr. M. A. Jinnah.
 Dr. Shafa'at Ahmad Khan.
 Nawab Sir Abdul Qaiyum.
 Raja Sher Muhammad Khan.

2. The sub-Committee met on the 7th, 9th, 12th, and 14th January, 1931, and have authorised me to present this report.

3. The discussion in the sub-Committee centred mainly round the question of Indianisation, and every aspect of this question received thorough attention. It was unanimously agreed that in a matter of such importance as Defence, the utmost care was necessary in expressing opinions, and the sub-Committee as a whole was very anxious not to create the impression that anyone in any way or to any degree wanted to say anything that could even remotely tend to imperil the safety of the country or to weaken the strength of the Army. It was in view of this general feeling that all sections of the sub-Committee emphasized the importance of maintaining the same standard of efficiency in training as prevails now in England. The sub-Committee also recognised that in dealing with the question of Defence it was not possible to overlook that a factor that must govern all considerations of the subject was the responsibility of the Crown through the Committee of Imperial Defence, which body was ultimately responsible for examining all these problems. It was realised that the responsibility of the Committee of Imperial Defence was not something that was special to India, but was common to the Empire as a whole.

Subject to the above matters of agreement, the general discussion regarding Indianisation was on the following lines. The majority of the sub-Committee considered it impossible for practical reasons to lay down any definite rate of Indianisation or anything of a precise character that might in any way embarrass those responsible for Defence and fetter the judgment or the discretion of the military authorities. Those that held this view felt that the principle of the Indianisation of officers of the Indian Army could not be looked upon as merely a question regarding the efficiency of a single officer or group of officers, or even of a single unit or group of units. It was a principle that to the majority appeared to affect the Army as a whole. It was in consequence the view of this large section of the sub-Committee that a highly technical question was involved on which the sub-Committee was not qualified to express an opinion. One section of the sub-Committee, however, was in favour of a strong affirmation to the effect that the complete Indianisation of the officers in the Indian Army should take place within a specified period, subject of course to the requirements of efficiency, and further subject to the provision of suitable candidates for recruitment as officers in India. Those members who were of this opinion held the view that this was not a technical question at all, but involved only practical considerations. The difference in these two views being fundamental, the sub-Committee decided to incorporate these in its report, and the Chairman further undertook that, when, in pursuance of the resolutions of this sub-Committee, expert committees were appointed, those expert committees would as a matter of course

take into consideration the proceedings of previous Committees and in particular the proceedings of the Military Requirements Committee of 1921 and the Committee on the Indianisation of the Indian Army of 1922.

4. Subject to the above the sub-Committee arrived at the following definite resolutions :—

(1) The sub-Committee consider that with the development of the new political structure in India, the Defence of India must to an increasing extent be the concern of the Indian people, and not of the British Government alone.

(2) In order to give practical effect to this principle, they recommend—

(a) That immediate steps be taken to increase substantially the rate of Indianisation in the Indian Army to make it commensurate with the main object in view, having regard to all relevant considerations, such as the maintenance of the requisite standard of efficiency. (Mr. Jinnah dissented and desired a clear indication of the pace of Indianisation.)

(b) That in order to give effect to (a) a training college in India be established at the earliest possible moment, in order to train candidates for commissions in all arms of the Indian defence services. This college would also train prospective officers of the Indian State Forces. Indian cadets should, however, continue to be eligible for admission as at present to Sandhurst, Woolwich, and Cranwell.

(c) That in order to avoid delay the Government of India be instructed to set up a Committee of Experts, both British and Indian (including representatives of Indian States) to work out the details of the establishment of such a college.

(3) The Committee also recognise the great importance attached by Indian thought to the reduction of the number of British troops in India to the lowest possible figure and consider that the question should form the subject of early expert investigation.

5. A view was expressed that an addition should be made to these resolutions to the effect that the sub-Committee recognized that no action should be taken so as to prejudice in any way the power of the Crown to fulfil military obligations arising out of treaties with particular Indian States. It was ruled, however, and accepted by the sub-Committee that such a specific declaration was unnecessary ; the Chairman giving an undertaking that neither this sub-Committee nor any other Committee could in any way abrogate treaty obligations and engagements that were in operation.

6. In agreeing to the foregoing recommendations the Committee were unanimous in their view that the declaration must not be taken as a mere pious expression of opinion, but that immediately the Conference was concluded, steps should be taken to deal effectively with the recommendations made.

7. The advisability of establishing a Military Council including representatives of the Indian States was agreed to.

Signed on behalf of the sub-Committee,

J. H. THOMAS.

ST. JAMES'S PALACE,

LONDON,

14th January, 1931.

Sub-Committee No. VIII (Services).

REPORT PRESENTED AT THE MEETING OF THE COMMITTEE OF THE
WHOLE CONFERENCE, HELD ON 16TH JANUARY, 1931.

The terms of reference to this sub-Committee were as follows :—
“ The Relation of the Services to the new political structure.”

The following Delegates were selected to serve on the sub-Committee :—

Sir William Jowitt (Chairman).
Lord Zetland.
Major Stanley.
Lord Reading.
Sir Robert Hamilton.
H. H. The Maharaja of Alwar.
H. H. The Maharaja of Nawanagar.
Sir Prabhshankar Pattani.
Rao Bahadur Krishnama Chari.
Sahibzada Sultan Ahmed Khan.
Mr. Chintamani.
Sir P. C. Mitter.
Dr. Narendra Nath Law.
Mr. Basu.
Mr. Tambe.
Sir Chimanlal Setalvad.
Mr. Shiva Rao.
Mr. Mody.
Sir Cowasji Jehangir.
Sir A. P. Patro.
Rai Bahadur Kunwar Bisheshwar Dayal Seth.
Maharajadhiraja Kameshwar Singh of Darbhanga.
Raja of Parlakimedi.
Dr. Ambedkar.
Lieutenant-Colonel H. A. J. Gidney.
Mr. Paul.
Sardar Sampuran Singh.
Sir Shah Nawaz Bhutto.
Mr. Ghuznavi.
Khan Bahadur Hafiz Hidayat Husain.
Mr. Zafrullah Khan.
Dr. Shafa'at Ahmad Khan.
Mr. Fazl-ul-Huq.
Sir Edgar Wood.

The sub-Committee met on the 6th, 7th, 8th, 9th, 12th, and 13th of January, 1931, and have authorised me to present this Report.

1. *Existing members of the Services.*—Inasmuch as the Government of India Act and the rules made thereunder by the Secretary of State in Council guarantee certain rights and safeguards to members of the Services, due provision should be made in the new constitution for the maintenance of those rights and safeguards for all persons who have been appointed before the new constitution comes into force.

When the new constitution is drawn up suitable safeguards for the payment of pensions (including family pensions) and provident funds, should be provided.

As it is important that those responsible for the working of the new constitution should not at its initiation be embarrassed by the economic waste and administrative difficulties which a change of staff on a large scale would entail, it is desirable to take such steps as are necessary to reassure existing members of the Services with the view that they may serve with loyalty and efficiency for their normal term.

To this end the sub-Committee agreed that the right to retire on proportionate pension should be extended, but opinion was divided as to whether the extension should be for an unlimited term or for a definite period of years, not exceeding five years.

2. *Future recruitment for the All-India Services.*—We recommend that for the Indian Civil and Indian Police Services recruitment should continue to be carried out on an All-India basis, but the majority of the Committee are of opinion that recruitment for Judicial Offices should no longer be made in the Indian Civil Service. The Indian Forest Service and the Irrigation Branch of the Indian Service of Engineers should be provincialised.

¶Four members would prefer that the Irrigation Branch should remain an All-India Service.

Mr. Shiva Rao and Mr. Tambe desire to record their view that all Services should be provincialised forthwith.

Dr. Ambedkar, Mr. Zafrullah Khan, and Sardar Sampuran Singh are averse to further recruitment on an All-India basis for the Indian Civil Service and the Indian Police Service, save in respect of the European element in those Services.)

3. *The recruiting and controlling authority for the future All-India Services.*—Since we are recommending that the Indian Forest Service and the Irrigation Branch of the Indian Service of Engineers should no longer be recruited on an All-India basis, we do not think it necessary to offer any special observations with regard to these two Services.

On the question whether we should record any recommendation as to the desirability of securing a continuance of the recruitment of a European element in the Indian Civil Service and the Indian Police Service there was some divergence of opinion.

The majority of the sub-Committee are of opinion that in the case of these two Services it is desirable that some recruitment of Europeans should continue. On the question of the ratio there is a difference of opinion, some holding that for the present recruitment should continue on the lines laid down by the Lee Commission, while others would prefer that the matter should be left for decision by the future Government of India.

Whatever decision may be reached as to ratio, the majority of the sub-Committee hold that the recruiting and controlling authority in the future should be the Government of India. They would leave to that authority the decision of all questions such as conditions of recruitment, service, emoluments and control. Those who take this view attach importance to complete control over the Services being vested in the Central and Provincial Governments. A minority of the sub-Committee think that the recruiting authority should be the Secretary of State, since they hold that without an ultimate right of appeal to him, and through him to the British Parliament, it will not be possible to secure recruits of the required type for the British element in the Services. Those who take this view consider that adequate control over the members of the Services can be secured to the Indian and Provincial Governments under the Devolution Rules.

There is one further observation we have to make under this head. In existing circumstances the Government of India can and does obtain officers from the Provinces to fill certain central appointments. Under the new regime we hope that it will be found possible to conclude arrangements between the Government of India and the Provincial Governments so as to secure the continuance of this practice which has obvious advantages.

4. *The Indian Medical Service.*—Subject to paragraph 1, the sub-Committee are of opinion that in future there should be no civil branch of the Indian Medical Service ; and that no civil appointments either under the Government of India or the Provincial Governments should in future be listed as being reserved for Europeans as such.

The Civil Medical Services should be recruited through the Public Service Commissions. In order to provide a war reserve, a clause should be inserted in the contracts of service of a sufficient number of officers that they shall undergo such military training and render such military service as they may be called upon to do. The extra cost involved should be borne as an Army charge.

Further, the Governments and Public Service Commissions in India should bear in mind the requirements of the Army and the British officials in India and take steps to recruit a fair and adequate number of European doctors to their respective Civil Medical Services, and should be prepared to pay such salaries as would bring about this result.

It is suggested that agreement might be reached between the Central Government and the Provincial Governments whereby the latter in selecting their European doctors might grant a preference to those members of the Indian Medical Service who have performed a period of service with the Army. We contemplate that such members would sever their connection with the Indian Medical Service during the term of their employment in the Provincial Medical Service—subject only to the acknowledgment of a claim by the Army authorities in time of emergency. The practical details of any such arrangement would have to be a matter of agreement between the Army authorities and each Provincial Government.

(Major Stanley wishes to make it clear that his acceptance of this section is contingent upon the possibility of securing satisfactory agreements under paragraph 4.

Lord Zetland and Sir Edgar Wood fear that under the scheme proposed neither the Provincial Governments nor the Indian Medical Service will secure European Medical Officers of the type required, and they would prefer that the present arrangement should continue until Indianisation both in the Indian Army and in the Civil Services has proceeded further.)

5. *Public Service Commissions.*—(1) In every Province and in connection with the Central Government a Statutory Public Service Commission shall be appointed by the Governor or Governor-General as the case may be.

(2) Recruitment to the Public Services shall be made through such Commissions in such a way as to secure a fair and adequate representation to the various communities consistently with considerations of efficiency and the possession of the necessary qualifications. This part of the duties of the Public Service Commissions shall be subject in the case of Provincial Commissions to periodical review by the Governor, and in the case of the Central Commission by the Governor-General, both of whom shall be empowered to issue any necessary instructions to secure the desired result.

(Raja Narendra Nath and Sardar Sampuran Singh desire to add a proviso that the proportion of appointments to be filled to redress communal, class and caste inequalities should not in any case exceed one-third of the total appointments to be filled, the remaining two-thirds of the appointments being filled solely on considerations of merit.)

The Governor shall, before considering any appeal presented to him against any order of censure, of withholding an increment or promotion, of reduction to a lower post, of suspension, removal or dismissal, consult the Commission in regard to the order to be passed thereon.

(3) Members of the Public Service Commissions shall hold office during the pleasure of the Crown and be removable by the Governor, in the case of a Provincial Commission, and by the Governor-General in the case of the Central Commission. They shall, after ceasing to be members of a Commission, be ineligible for a period to be fixed by the Governor or Governor-General as the case may be for further office under the Crown in India, except that persons who have been members of a Provincial Public Service Commission shall be eligible for appointment as members of the Central Commission or of another Provincial Commission, and *vice versa*.

(4) The sub-Committee recognise the special position of the Anglo-Indian community in respect of public employment, and recommend that special consideration should be given to their claims for employment in the Services.

(5) There should be a statutory declaration that

(a) No person shall be under any disability for admission into any branch of the Public Services of the country merely by reason of community, caste, creed, or race.

(b) Membership of any community, caste, creed, or race shall not be a ground for promotion or supersession in any Public Services.

In making this recommendation the sub-Committee have particularly in mind the case of the Depressed Classes. They desire that a generous policy be adopted in the matter of the employment of the Depressed Classes in Public Service, and in particular recommend that the recruitment to all Services, including the Police, should be thrown open to them.

6. *Internal Administration of the Police*.—Subject to the recommendation which has already been made by the "Provincial Constitution" sub-Committee, that under the new constitution responsibility for law and order should be vested in the Provincial Governments, the question whether in consequence any special recommendation should be made as to the internal administration of the Police was left to this sub-Committee. We have given consideration to various suggestions made under this head. Some of the sub-Committee think it undesirable to make any recommendation which might be held to impinge upon the discretion of the future Provincial Governments. Others, who consider that the control over the Police Forces at present secured to the Inspectors-General by statute should be preserved, advise that the Police Act of 1861 should not be subject to repeal or alteration by the Legislature without the prior consent of the Governor-General, and that the Police Acts of the Governments of Bombay, Bengal, and Madras should be included in the category of Acts which should not be repealed or altered by the Provincial Legislature without the previous sanction of the Governor-General.

7. *The Central Services.*—We recommend that the Government of India should be the authority for recruitment to the Services which are under the control of Ministers responsible to the Legislature. As regards the Services under the control of the Governor-General, we do not feel called upon to make any recommendation.

Signed on behalf of the sub-Committee.

W. A. JOWITT,

Chairman.

ST. JAMES'S PALACE,

LONDON.

13th January, 1931.

Sub-Committee No. IX (Sind).

REPORT PRESENTED AT THE MEETING OF THE COMMITTEE OF THE WHOLE
CONFERENCE, HELD ON 16TH JANUARY, 1931.

1. The members of the sub-Committee were :—

Lord Russell (Chairman).
Lord Zetland.
Lord Reading (for whom Mr. Foot acted as substitute).
H.H. The Aga Khan.
Mr. Jinnah.
Sir S. N. Bhutto.
Sir G. Hussain Hidayatullah.
Sir Abdul Qaiyum.
Sir M. Shafi.
Dr. Shafa'at Ahmad Khan.
Sardar Sampuran Singh.
Dr. Moonje.
Mr. Jayakar.
Raja Narendra Nath.
Mr. Chintamani.
Mr. Jadhav.
Sir P. Sethna.
Mr. Mody.
Sir H. Carr.

The terms of reference were to consider—

“ the question of constituting Sind as a separate Province.”

The sub-Committee sat on 12th, 13th and 14th January, and have authorised me to present this Report.

2. They consider that the racial and linguistic differences between the inhabitants of Sind and those of the Presidency of Bombay proper, the geographical isolation of Sind from Bombay, the difficulties of communication between the two, and the insistency with which separation has been advocated, provide an impressive case for the division of Sind from the Bombay Presidency and the creation of a separate Provincial Government there.

3. They observe that the Government of Bombay have pointed out certain administrative difficulties in the way of the separation of Sind, but they do not believe them to be insuperable.

4. They note that no detailed examination of the financial consequences of separation has yet been made. On the figures available to them they are unable to express an opinion on the financial aspects of the question.

The sub-Committee with two dissentients (Dr. Moonje and Raja Narendra Nath) are impressed by the strength of the arguments in favour of separation, and they have come to the conclusion that the principle of separation should be accepted. They therefore recommend that an expert Committee in India should examine carefully the probable revenue and expenditure of a separated Sind and the security of the debt on the Sukkur Barrage, and should also recommend an equitable adjustment of the financial commitments for which Sind may properly be considered liable. If the investigation shows that separation would leave the new Province with a deficit, the sub-Committee think that the representatives of Sind should be asked to show satisfactorily how the deficit would be met before the new Province is set up.

Signed on behalf of the sub-Committee,

RUSSELL.

RESOLUTION.

**Adopted by Conference unanimously at the final Plenary Session,
held on 19th January, 1931.**

The Conference sitting in Plenary Session has received and noted the Reports of the nine sub-Committees submitted by the Committee of the whole Conference with comments thereon.

These Reports, provisional though they are, together with the recorded notes attached to them, afford, in the opinion of the Conference, material of the highest value for use in the framing of a Constitution for India, embodying as they do a substantial measure of agreement on the main ground-plan, and many helpful indications of the points of detail to be further pursued. And the Conference feels that arrangements should be made to pursue without interruption the work upon which it has been engaged, including the provision in the Constitution of adequate safeguards for the Mussalmans, Depressed Classes, Sikhs, and all other important minorities.

SPEECH DELIVERED BY THE PRIME MINISTER

**at the final Plenary Session of the Conference, held on
19th January, 1931, at St. James's Palace.**

Chairman : Your Highnesses, Ladies and Gentlemen, we have met for the last part of this Conference. You will believe me, I am perfectly certain, when I assure you that never in the whole of my life have I presided over a gathering with more pleasure and more pride than I have presided over this. When I spoke to you at the end of the first part of our proceedings, I assured you that you had come here as our colleagues, that you would have no necessity to persuade us regarding status, because our conception of the Conference, and the conception of my Parliamentary colleagues as well, was that you had come from India to meet us, representing the Legislature of Great Britain, for the purpose of taking counsel together to achieve a common purpose, the self-government of India.

I think I was right. I think you will go back to India, whether you are disappointed as to the work or not, and say "We were met by our British colleagues on terms of hospitable equality; we have put our case before them, and they have listened with a desire to accommodate us; and they have put their case before us, and we assure you that there is so much in their case, so much experience in the working of institutions, so much in relation to the peculiar conditions of India, that they and we must come to agreements upon it."

Now, we have gone as far as we can go at this moment. You have to go back to India ; we have to go back to our own public opinion. You have spoken here subject to reconsideration, subject to the reaction which your public opinion will show to your work ; we, Government and Parliamentary representatives alike, have spoken in the same way, and we must also listen to reactions. We must also explain and expound and defend ; we must also make ourselves the champions of our findings, and do our best to bring our people along with us in our pilgrimage of hope to their conclusion.

What have we been doing ? Pledge after pledge has been given to India that the British Raj was there not for perpetual domination. Why did we put facilities for education at your disposal ? Why did we put in your hands the textbooks from which we draw political inspiration, if we meant that the people of India should for ever be silent and negative subordinates to our rule ? Why have our Queens and our Kings given you pledges ? Why have our Viceroys given you pledges ? Why has our Parliament given you pledges ?

Why, when the Morley-Minto Reforms were launched, did those Reforms contain not merely machinery of government but a promise of advance ? Why, when the Montagu-Chelmsford Reforms were in due course launched, did they too not only set up a system of government but give you a pledge that something else was to follow ? The Simon Commission itself was appointed, not because there was a Government in office desirous of change ; the Simon Commission was appointed because it was contained as a sacred pledge in the Montagu-Chelmsford Reforms. And if to-day, if during the last ten weeks, we had met you with a uniform *non-possumus*, we would have been untrue to the pledges given to India by the Government for which we are responsible. When the Simon Commission was appointed—a Commission which let me say, because I must say it, has done a work remarkable, conspicuous, and essential—you may agree with it or you may not, but you could not have come to the conclusions with us to which you have come had there been no Simon Commission and had not the Simon Commission opened doors that up to then were closed, and brought ears into action that up to then were deaf. India will never be able to be too grateful or to show too much gratitude for the labours of the men who composed the Simon Commission. When that Commission was appointed, we all agreed—the leaders of the three political parties here agreed—that when the British Government came to consider the Report, came to give it a legal and constitutional value, at some time or other, and somehow, a consultation would have to take place between the representatives of the British Parliament and the representatives of Indian opinion ; and that is why you are here. I regret profoundly that important sections of Indian political activity are not here too.

I am one of those who, I dare say, are regarded by you (and my colleagues too), as belonging to the Left Wing of politics. That is neither here nor there. But do believe me, Left Wing, Centre or Right, I am one of those who believe that he who stirs enmity between peoples is not going to advance liberty in the world. He who spreads suspicion, he who makes co-operation impossible, is not one of those agents for good that the world in its present distracted frame of mind is so much in need of. If anything has been done by you and us here during the last ten weeks to make the youth of India turn to practical problems, turn to the ways of conquest by calm reason, argue thus : " My case is unanswerable, and I am prepared to put it to the test of reason "—if anything that you and I have been able to do here will produce that result, if we do nothing else, we will have made a great contribution to the progressive political development of the Indian nation.

Everyone must honestly admit that situations have arisen, like some of the communal difficulties, which have put obstacles in our way. Now, I want you to take it from me that the attitude of the British Government in such relations is nothing more than an overpowering desire to leave you to settle your own affairs. We are not pro-Hindu, we are not pro anything else. If we are animated by anything, it is by the conception of India herself—India a unity, India feeling behind and below and above and beyond her communal differences that mystic bond of unity which the great poets, the great philosophers, and the great religious teachers of India have always felt. Believe me, the British Government has no desire to use your disagreements for any ulterior purpose. Quite the opposite. Our one ambition is that, being in a sense kith and kindred with you, (since history, whether you liked it or whether we liked it, has woven our destinies somehow together), we may use that unity with you in order to pave your way and smooth your path to that much-required internal unity amongst yourselves.

In a few moments I will make further reference to the position of minorities, but I take great pride, and I am sure my colleagues do the same, that, as the result of this Conference and the conversations, both private and public, that have taken place at this Conference, the gap between you is much narrower than it was before, and that the very men, who, feeling that they must be loyal to their community, in sorrow were unable to agree, are inspired more by the feeling of agreement than ever. In the conversations and negotiations that are going to take place they will be moved more by that feeling than ever they have been before.

I am convinced, my friends, that you can settle. And I am also convinced of this—that an imposed agreement might make your constitution unworkable.

I would like now to make one or two observations from the point of view, first of all, of one who has had a good deal of experience in political values—the value of words and the value of provisions. ..

I have listened to some of my minority friends making their claims. Do remember this. We sitting here are not a Legislature. We sitting here cannot impose pains and penalties. We sitting here can declare rights and hand over to you the political power to see that those rights are enforced and respected. We can put in the constitution that this disability may not be put upon you, that the next disability may not be put upon you. Believe me, after some experience in those things, ultimately it depends upon the intelligence of your people, it depends upon their organisation, it depends upon their strength of will, it depends upon the success of their leadership as to whether words become deeds and declarations actions.

As regards the form of the constitution, all the speakers have said that it has been determined that it is to be a Federation. Your Highnesses, I can add nothing to the tribute that has been paid to you by previous speakers regarding the magnificent part that you have played in making that possible. Before you came the structure of the Indian constitution was in doubt. Many people, as was said this morning, were doubtful as to whether British India alone could bear central authority. You came. You made your declaration. You showed your patriotic interest in Indian affairs and your very wise vision regarding the future, and your words made it possible for us to build up a constitution and to put political weight upon it. That has been a great achievement for which both India and Great Britain are grateful to Your Highnesses. In building up that constitution we have come across some very awkward things. There is a word which, when used in politics—and, some of my friends here also know in economics—I detest, and that is “safeguarding.” That is one of my sins, I suppose. Safeguarding—I do not like the word. To you especially, it is an ugly word; it is a word which quite naturally rouses great suspicions in your hearts. It is a word the aspects and the meaning and the connotation and the associations of which are rather forbidding. Let us apply common sense to it. The safeguards that have been suggested here fall under three categories. One category is a group of reserved powers given to somebody—Governor, Governor-General, the Crown or somebody else, and that category of safeguards you will find either expressed or implicit in every free constitution from the rising sun to the setting sun. That category includes powers which may be put into operation by somebody authorised, somebody in authority, somebody in a distinguished position, in a powerful position in the State, put into operation by him in the event of a breakdown of the ordinary normal operations of Government. And, my Indian colleagues, you can twist and you can turn, you can turn

a blind eye to this and a blind eye to that, you can draft with care and you can hide up what really is the substance of your draft, but if you were drafting your own constitution, without any outside assistance or consultation, you could not draft a constitution without embodying safeguards of that kind in it.

Then there is the second category of safeguards, and there are two sections of that. The first covers guarantees made by the Secretary of State, or made by the British Government or the British Crown, for which we, by virtue of contracts that we have made in your behalf, remain responsible under a new constitution just as under the existing one. The typical instances of that are finance and also the existing Services. Those guarantees, in the interests of India herself, have to be made clear to the world. It is not that we want to interfere ; it is not even that we want the money ; it is that if there were any doubt at all about India shouldering those obligations and responsibilities, the moral status of India would be deteriorated, and, in spite of the materialism of this age, there is far more materialist power resting on moral foundations than many of you wet of. It is to put India in a moral position in the eyes of the rest of the world that that section of reserved subject is required.

Then there is another section. There are matters not solely Indian, owing mainly to India's history, and requiring some time for a change. Do not be afraid of time. I know your patience has been tried ; I know you have waited long ; but, nevertheless, when you are going fastest you have not to be too penurious of time, because that which is built, I do not say unnecessarily slowly, but that which is built calmly and steadily step by step, endures, whilst that which is built in a hurry wastes away and comes to ruin.

Then there is the third category of safeguards relating to communities. Now I repeat what I have said to you so often regarding that : if you fail to agree to set up your own safeguards, to come to a settlement between yourselves regarding those safeguards, the Government will have to provide in the constitution provisions designed to help you ; but do remember the best of all is your own, and we do not propose to lose a grip of you, we do not propose to let you go as though you have said the last word here, because we do not believe you have said the last word.

Communities, small and great, must be safeguarded in the Indian constitution—in the terms of the constitution, but the content of those terms, the details of those terms, a settlement that satisfies those terms—my Indian friends, are you to allow them to pass away from your own hands, and ask anybody outside yourselves to do for you what you declare you are not able to do for yourselves ?

There is one great danger inherent in these safeguards which I will mention, because it is of the utmost importance in the working

of the constitution. Ministers responsible must not shield themselves from taking upon their own shoulders their responsibility when it is unpopular by leaving the Viceroy or the Governor to put into operation his reserved powers.

Moreover, we have this problem in front of us too : in executives, in particular, there must be unified responsibility. I am not going to push that observation to any more pointed conclusion, but the great task in forming an Executive is not so much to give it responsibility (which is the peculiar characteristic of legislatures) but it is to secure for the Executive the confidence of the Legislature, together with its own united working in policy.

Now, as regards the future, we have before us the Reports of the various sub-Committees, all of them noted, together with your observations upon them. The Government proposes at once to study these very carefully in order to face the problems which they present to it. We have, for instance, sub-Committee No. 1. the sub-Committee presided over with such conspicuous ability by the Lord Chancellor, who, by that one act of service has won for himself a great place in your hearts. That Report, rough wood, if I may say so, wood of very varying lengths, full of knots, full of difficulties in handling and using, must be planed and fitted into a logical and consistent structure.

Sub-Committee No. II has endorsed the principle of fully representative government in the Governors' Provinces, subject to the retention by the Governors of certain powers which were widely agreed to be necessary at this stage.

The Minorities sub-Committee I have already referred to. You have not heard the last of us regarding that. As to the sub-Committee on Burma, its findings have been noted, and the Government will pursue the decisions of that sub-Committee ; separating Burma and making the necessary enquiries as to the conditions upon which the separation is to take place.

With regard to the North-West Frontier Province, which was the subject of sub-Committee No. V, that sub-Committee has recommended the elevation of its status to that of a Governor's Province, with a constitution analagous to that of other Governors' Provinces under the new regime, but with the necessary modifications and adaptations to suit the peculiar local conditions and requirements, and with the necessary financial adjustments with the Central Government.

Sub-Committee No. VI, the Franchise sub-Committee, recommended the setting-up of a Committee to work out specified problems, and that Committee will be set up.

Sub-Committee No. VII dealt with Defence. That will be proceeded with, and if it is possible to put into operation, without the delay that will be required in the building up of the full constitu-

tion, some of its parts by administration, we shall get into touch with the Government of India and see how that can be done. I refer to such things, for instance, as the creation of a Military Sandhurst in India.

Sub-Committee No. VIII dealt with the Services, and affirmed the necessity of continuing to existing members of the Services under the new constitution the guarantees which the present Act and the Rules framed under it give them, and has explored the position as regards the future.

Sub-Committee No. IX dealt with Sind, and adopted with two dissentients the principle that Sind should be formed into a separate Province, but left its feasibility for future decision after enquiry by an expert Committee into the financial problems involved. That also will be undertaken.

I need not go through any more details than that. These pledges I give you, these statements I make, relate to administration and to the setting up merely of the Committees.

One or two of you who have had large experience in administration have pressed upon us that under the existing Government of India Act some things of importance could be done by administration, to bring Indian administrative action more into accord with the declarations made here than is the case to-day. We cannot commit ourselves as to whether that is so or not, but we propose, in consultation with Indians of administrative experience, to explore that, and as the result of the exploration we shall take action or otherwise.

At this point I may turn to the very moving appeal made by Sir Tej Bahadur Sapru to me this morning regarding an amnesty. It was a wise and a moving appeal which, I can assure the Conference, lodges very naturally in my own heart. I should like this Conference to open a new chapter in the relations of India and ourselves. If Sir Tej Bahadur Sapru's appeal to India, as well as to us is responded to in India, and civil quiet is proclaimed and assured, His Majesty's Government will certainly not be backward in responding to his plea, which is endorsed by so many of his colleagues here.

Now that brings me to the question of what is to be done to complete our labours. We have agreed upon certain features of the constitution, but the successful launching of the constitution depends still upon very careful study of conditions and structure. I think it was Lord Peel who said that we were not so short-sighted and so self-centred as to be under the impression that the only successful constitutional machinery is that under which we work ourselves. As a matter of fact, if you ask my opinion, I can give you some very bad results of its working ! Therefore it is certainly not perfect. We have got the United States type ; we have a type which has

been used in Japan, and which is of very great interest, especially in some of its aspects, if not in all. We have a type such as was used in Germany before the war ; we have got French methods, and so on ; and in order that we may have all the world experience of working Legislatures elected in different ways and composed in different ways, we shall study those. We have, as a matter of fact, studied them, and we hope to get from that study ideas, suggestions, plans, from which the new Indian Constitution can be benefited and made workable. Some conditions that have been attached to the working of the Constitution have been practically agreed upon, they have become of the nature of problems that can quite easily be settled by a chairman's ruling, or by a government decision, involving no principle and creating no friction. Others still require work, especially the open questions and the notes of dissent made to the Report of Committee No. 1. There is, for instance, the place of the States in the federation ; the provision which must be made that the States in everything which they have not agreed to hand over to the federal authority have direct contact with the Crown. There is the composition of the Legislatures and Executives and some problems regarding practical working. There are the problems of communities and the various details of safeguarding. Now, I think I am right that so much work has been done upon these questions that the time has come for us to begin to try to draft something, because it is only when you begin to draft that you discover what you have overlooked and what you have not properly considered. Now, this work must not be left to the bureaucracy in either country, but must be conducted on the direct responsibility of the politician aided and guided by those admirably equipped servants of the State which both our civil services contain. I hope, for instance, that in the further negotiations and explorations we are going to have the great pleasure of continuing the parliamentary unity which has been maintained with so much good feeling during the last ten weeks in the work of this Conference.

There is another important thing. One of the secrets of our success thus far—in fact, I am not at all sure it is not the main secret—is the personal contacts that we have been able to establish and to keep going. I have had a good deal of experience of these Conferences. One week of a Conference produces more good than six months of diplomatic correspondence. Let us get down to facts face to face ; let us sit round the table ; let each of us state our claims, state our hopes, state our fears, state our expectations ; let each of us be candid one to another, and, face to face there is an enormously better chance of an understanding and an agreement than under any other circumstances. I wish to continue that condition. There are practical difficulties, as you know. Much work has still to be done in India of an educational and explanatory character.

At this minute, after all the heavy work we have had to undertake without remission during the whole day, and very often far into the night, you will understand me when I say that I am not in a position at this moment to tell you precisely the plan by which those negotiations are going to be continued and those personal contacts to be maintained. I mention that because I know that some of my friends place great store upon those points, and I want to assure you before you go home that I thoroughly agree with you regarding them.

I propose to confer with the new Viceroy at once, who is arriving here in a few days, and tell him what has been done—my colleagues and myself, and I hope in this that I may include my Parliamentary colleagues as well as my Governmental colleagues—and agree to a plan which will satisfy the requirements which I have just stated.

At this point I will read to you the declaration which I am authorised to make by my colleagues of the Government.

The view of His Majesty's Government is that responsibility for the government of India should be placed upon Legislatures, Central and Provincial, with such provisions as may be necessary to guarantee, during a period of transition the observance of certain obligations and to meet other special circumstances, and also with such guarantees as are required by minorities to protect their political liberties and rights.

In such statutory safeguards as may be made for meeting the needs of the transitional period, it will be a primary concern of His Majesty's Government to see that the reserved powers are so framed and exercised as not to prejudice the advance of India through the new constitution to full responsibility for her own government.

His Majesty's Government, whilst making this declaration, is aware that some of the conditions which are essential to the working of such a constitution as is contemplated, have not been finally settled, but it believes that as the result of the work done here, they have been brought to a point which encourages the hope that further negotiations, after this declaration, will be successful.

His Majesty's Government has taken note of the fact that the deliberations of the Conference have proceeded on the basis, accepted by all parties, that the Central Government should be a Federation of all India, embracing both the Indian States and British India in a bi-cameral legislature. The precise form and structure of the new Federal Government must be determined after further discussion with the Princes and representatives of British India. The range of

subjects to be committed to it will also require further discussion, because the Federal Government will have authority only in such matters concerning the States as will be ceded by their Rulers in agreements made by them on entering into Federation. The connection of the States with the Federation will remain subject to the basic principle that in regard to all matters not ceded by them to the Federation their relations will be with the Crown acting through the agency of the Viceroy.

With a Legislature constituted on a federal basis, His Majesty's Government will be prepared to recognise the principle of the responsibility of the Executive to the Legislature.

Under existing conditions the subjects of Defence and External Affairs will be reserved to the Governor-General, and arrangements will be made to place in his hands the powers necessary for the administration of those subjects. Moreover, as the Governor-General must, as a last resort, be able in an emergency to maintain the tranquillity of the State, and must similarly be responsible for the observance of the constitutional rights of Minorities, he must be granted the necessary powers for these purposes.

As regards finance, the transfer of financial responsibility must necessarily be subject to such conditions as will ensure the fulfilment of the obligations incurred under the authority of the Secretary of State and the maintenance unimpaired of the financial stability and credit of India. The Report of the Federal Structure Committee indicates some ways of dealing with this subject including a Reserve Bank, the service of loans, and Exchange policy, which, in the view of His Majesty's Government, will have to be provided for somehow in the new constitution. It is of vital interest to all parties in India to accept these provisions, to maintain financial confidence. Subject to these provisions the Indian Government would have full financial responsibility for the methods of raising revenue and for the control of expenditure on non-reserved services.

This will mean that under existing conditions the Central Legislature and Executive will have some features of dualism which will have to be fitted into the constitutional structure.

The provision of reserved powers is necessary in the circumstances and some such reservation has indeed been incidental to the development of most free constitutions. But every care must be taken to prevent conditions arising which will necessitate their use. It is, for instance, undesirable that Ministers should trust to the special powers of the Governor-General as a means of avoiding responsibilities which are properly their own, thus defeating the development of responsible Government by bringing into use powers meant to lie in reserve and in the background. Let there be no mistake about that.

The Governors' Provinces will be constituted on a basis of full responsibility. Their Ministries will be taken from the Legislature and will be jointly responsible to it. The range of Provincial subjects will be so defined as to give them the greatest possible measure of self-government. The authority of the Federal Government will be limited to provisions required to secure its administration of Federal subjects, and so discharge its responsibility for subjects defined in the constitution as of all-India concern.

There will be reserved to the Governor only that minimum of special powers which is required in order to secure, in exceptional circumstances, the preservation of tranquillity, and to guarantee the maintenance of rights provided by Statute for the Public Services and minorities.

Finally, His Majesty's Government considers that the institution in the Provinces of responsible government requires both that the Legislatures should be enlarged, and that they should be based on a more liberal franchise.

In framing the Constitution His Majesty's Government considers that it will be its duty to insert provisions guaranteeing to the various minorities, in addition to political representation, that differences of religion, race, sect or caste, shall not themselves constitute civic disabilities.

In the opinion of His Majesty's Government it is the duty of the communities to come to an agreement amongst themselves on the points raised by the Minorities sub-Committee but not settled there. During the continuing negotiations such an agreement ought to be reached and the Government will continue to render what good offices it can to help to secure that end, as it is anxious not only that no delay should take place in putting the new Constitution into operation, but that it should start with the goodwill and confidence of all the communities concerned.

The various sub-Committees which have been studying the more important principles of a Constitution which would meet Indian conditions have surveyed a considerable part of the structure in detail and the still unsettled points have been advanced a good way to an agreement. His Majesty's Government, however, in view of the character of the Conference and of the limited time at its disposal in London, has deemed it advisable to suspend its work at this point so that Indian opinion may be consulted upon the work done, and expedients considered for overcoming the difficulties which have been raised. His Majesty's Government will consider, without delay, a plan by which our co-operation may be continued so that the results of our completed work may be seen in a new Indian Constitution. If, in the meantime, there is a response to the Viceroy's appeal to those engaged at present in civil disobedience, and others wish to co-operate on the general lines of this declaration, steps will be taken to enlist their services.

I must convey to you all on behalf of the Government its hearty appreciation of the services you have rendered not only to India but to this country, by coming here and engaging in these personal negotiations. Personal contact is the best way of removing those unfortunate differences and misunderstandings which too many people on both sides have been engendering between us in recent years. A mutual understanding of intention and difficulty, gained under such conditions as have prevailed here, is by far the best way for discovering ways and means of settling differences and satisfying claims. His Majesty's Government will strive to secure such an amount of agreement as will enable the new Constitution to be passed through the British Parliament and to be put into operation with the active goodwill of the people of both countries.

And now, my friends, we go our various ways. Our ten weeks of valuable co-operation and pleasant companionship and friendship are ended.

Sir Tej Bahadur Sapru said, I think, that he hoped he was leaving England with friendly memories behind him. I can assure you that that is not only true of Sir Tej; it is true of you all; and I can only hope that the memories you are taking away of us are equally pleasant, equally happy, and will be held equally precious to you as your memories will be to us.

I pray that our contacts and our negotiations may be continued though "oceans divide us and a realm of seas." I hope you will go back and tell your co-patriots what you have found. You may have to disagree sometimes and somewhere with the letter of what has been written. I hope you will never have to disagree with the spirit in which you have been met.

Finally, I hope, and I trust, and I pray that by our labours together India will come to possess the only thing which she now lacks to give her the status of a Dominion amongst the British Commonwealth of Nations—what she now lacks for that—the responsibilities and the cares, the burdens and the difficulties, but the pride and the honour of responsible self-government.



Indian Round Table Conference

(SECOND SESSION)

7th September, 1931—1st December, 1931

PROCEEDINGS
OF
FEDERAL STRUCTURE COMMITTEE
AND
MINORITIES COMMITTEE
(Volume III)

INTRODUCTORY NOTE.

Proceedings of the Second Session of the Indian Round Table Conference in Plenary Session will be published separately as a Command Paper, to which this volume is supplementary.

The Introductory Note to the Command Paper explains, briefly, the procedure adopted by the Conference at its Second Session.

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NOTE.

The following Heads for discussion were placed before the Committee by the Chairman:—

1. Strength and Composition of the Federal Legislature.
2. Questions connected with the Election of Members of the Federal Legislature.
3. Relations between the two Chambers of the Federal Legislature.
4. Distribution of Financial Resources between the Federation and its Units.
5. The Ministry and its Relations with the Legislature.
6. Distribution of Legislative Powers between the Federal and Provincial Legislatures, and Effect in the States of Legislation relating to Federal Subjects.
7. Administrative Relations between the Federal Government, the States and the Provinces.
8. The Federal Court.

It will be noted that: (*a*) the above Heads were not taken up by the Committee in numerical order; (*b*) Heads 5 and 6 were only partially discussed; (*c*) no discussion on Head 7 has yet taken place.

Detailed points for discussion in connection with each Head were drafted by the Chairman. They are printed in this volume at the commencement of the proceedings under the respective Heads.

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CORRIGENDUM TO SUB-COMMITTEE PROCEEDINGS, VOL. I (FIRST SESSION).

In the proceedings of the Seventh Meeting of the Federal Structure sub-Committee, dated 8th January, 1931, the following should be inserted at the conclusion of Sir Akbar Hydari's speech, on page 224 of the published volume:—

Chairman: I am sure we are all very much obliged to Sir Akbar Hydari for his speech. If he will permit me to say so, I am sure I am voicing the opinion of the Committee if I use a classical expression and say that, having regard to Sir Akbar's outlook and his experience, he is quite the Nestor of the Conference."

MINORITIES COMMITTEE

(SECOND SESSION).

The Committee was re-constituted as followi

Mr. Ramsay MacDonald Chair- man).	Sir P. Ginwala.*
Mr. Wedgwood Benn.*	Khan Bahadur Hafiz Hidayat Husain.
Mr. Isaac Foot.	Sir M. Iqbal.*
Mr. Arthur Henderson.*	Mr. N. M. Joshi.
Sir Samuel Hoare.*	Pandit Madan Mohan Malaviya
Sir William Jowitt.	Sir Provash Chunder Mitter
The Earl Peel.	Dr.*B. S. Moonje.
The Marquess of Reading.	Mrs. Sarojini Naidu.*
The Lord Snell.*	Raja Narendra Nath.
Major the Hon. O. Stanley.	Rao Bahadur A. T. Pannir Sel- vam.
The Marquess of Zetland.*	Sir A. P. Patro.
His Highness The Aga Khan.	Diwan Bahadur M. Ramachandra Rao.
Sir Saiyed Ali Imam.*	Mr. B. Shiva Rao.
Maulana Shaukat Ali.*	Sir Sayed Sultan Ahmed.
Dr. B. R. Ambedkar.	Sir Muhammad Shafi.
Mr. E. C. Benthall.*	Sardar Sampuran Singh.
Mr. G. D. Birla.*	Mr. Srinivasa Sastri.
Sir Hubert Carr.	Sir Chimanlal Setalvad.
Mr. C. Y. Chintamani.	Sir Phiroze Sethna.
The Nawab of Chhitari.	Dr. Shafa'at Ahmad Khan.
Maulvi M. Shafi Daoodi.*	Begum Shah Nawaz.
Dr. S. K. Datta.*	Rao Bahadur Srinivasan.
Mr. Fazl-ul-Huq.	Mrs. Subbarayan.
Mr. M. K. Gandhi.*	Sardar Ujjal Singh.
Mr. A. H. Ghuznavi.	Mr. Zafrullah Khan
Sir Henry Gidney.	

* Denotes new members.

PROCEEDINGS OF THE SEVENTH MEETING OF THE MINORITIES COMMITTEE HELD ON MONDAY, 28TH SEPTEMBER, 1931, AT 12.0 NOON.

.. *Chairman* : My friends, I should like to say first to all of you how very glad I am to see you again and to find associated with us new Delegates bringing into our counsels an extended representation and also an extended authority. I am very sorry that certain pre-occupations, the existence of which you all understand, have made it impossible for me to see you personally as I should have liked before now; but with that generosity and sympathy that you showed me when we were meeting here before I am sure you will forgive what may appear to be rather a gross shortcoming on my part.

I welcome especially those of you who are here for the first time. And may I with all my heart bespeak the most hearty and the most friendly co-operation in the solution of a problem which in its nature is exceedingly difficult, but which is as important as it is difficult?

.. If one were to turn to any great philosophy or any great system of thought upon which could be built up a harmony between races, a harmony between conflicting thought, where could one go to find it more readily than to the great philosophies of India itself? Those philosophies where brotherhood is inculcated, where peace and harmony and co-operation are enjoined; those philosophies which look at the world not in a mere abstract way but as something essentially composed of differences, and yet essentially calling for a harmony of difference rather than a mere uniformity of thought or of action.

That is the problem which is before the Round Table Conference. We do not want to change the Hindu: we do not want to change the Muslim; we do not want to change the Sikh. We want to change none of you, with great and noble historical traditions of which you are very proud, and I hope you do not want to change us. But we do want, recognising our differences and maintaining and cherishing those differences, nevertheless to find some means by which we can find co-operation for the good of each other, and through that good for the good of the whole world. In that spirit I take the chair at this Committee.

ceptable to you all; it would meet the needs or the desires of none of you. And imagine the fate of the poor arbitrator when you go home to India and you begin to explain the work that has been done and the arrangements that have been come to by this Conference. I have often been a scapegoat in my life, and I am willing to be a scapegoat again if it is good and if it is necessary; but I think you yourselves in this respect, if I might say so, should become your own scapegoats and take upon your own shoulders the responsibility of the solution of this very difficult and intricate problem. If you are responsible for an agreement, you will work it out, you must work it out, you will have to work it out; because you will have nobody to blame for it except yourselves. If somebody else offers a solution and imposes it upon you, you will not have upon you that same obligation to work it with all your hearts, all your strength and all your souls. I therefore repeat what I said to you before—to those of you who were here before—and appeal to you to do your best to settle this amongst yourselves. If you would allow me to help you, if any help from me is necessary, it is at your disposal; I shall be only too glad to be of any assistance to any of you, individually or as sections, in order that this agreement may be reached.

Now, I do not think that any long speeches will be necessary on this occasion; I want to get to conclusions as quickly as conclusions can reasonably be come to. There are many problems to solve, many difficulties to discuss, and we shall have to have patience with each other during these discussions, but it is quite unnecessary for us to make very long speeches of a general character upon the problems themselves. We are face to face with the question: how can the various majorities, minorities, how can the various communities, how can the various peoples with a past, with traditions, how can those who have been outside the pale and those who have been inside the pale, now that we are considering a new constitution for India, a constitution that will be based upon democracy, a trust of the people, how can we all together devise means by which we will share in the power of that Government and use that power not in the interests of a sect or a community or a class, but in the interests of the whole of the masses of the people which compose the Indian population? That is our problem, that is your problem. Set about it and solve it.

I have no list of speakers in front of me. Have you amongst yourselves delegated anyone to put a view, or have you any proposal to make? Let me put a question to you: Is it true as I have heard that there are some negotiations going on, that have a chance—I will not put it higher than that—of being successful?

Sir Ali Imam : Mr. Prime Minister, I have no delegated authority whatsoever to make any submission to you. It so happens that I am here, and if I may say so, I have the privilege of representing your choice, Sir, of selection. I am at present really nobody, but I belong to a party in India which is known as the Nationalist Muslim Party. From that Party itself I have no authority, but, as I belong to that Party, it is possible for me to place before you,

Sir, and my fellow delegates and colleagues, what the Muslim Nationalist point of view is in regard to this matter of the new constitution.

I am personally not aware if there are any negotiations going on so far as the Muslim Delegation is concerned. I have had no opportunity of knowing that there are any proposals at present that are under consideration. It may be, as I have heard generally, that some kind of understanding may be arrived at. I do not vouch for it; I know nothing about it. If you desire, Sir, that I should put before you the Muslim Nationalist point of view, I shall be ready to do so; but, of course, I must have your permission, because it may take a little time, and economy of time in a meeting like this is one's principal aim.

Chairman : The point is that this Committee's business is very strictly limited to a consideration of the Minorities problem.

Sir Ali Imam : It is from that point of view that I shall approach the subject.

Chairman : If there is no other official intervention shall I call on Sir Ali Imam?

H.H. The Aga Khan : I believe that Mahatma Gandhi is going to see the Muslim Delegation to-night. We hope to-night to have a friendly talk with our friend. That is all that I can tell you as far as any possible negotiation is concerned.

Pandit M. M. Malaviya : It is true that conversations have been going on on the Hindu-Muslim question, and generally on the minorities question, among certain members of this Committee. I therefore think that it would be an advantage to adjourn the discussion in order that those conversations should have a chance. If opinions are expressed to-day before we know what the result of the conversations have been, I do not think that that will help the cause. I therefore think that it would be an advantage to let the matter stand over until the next meeting of the Committee.

Chairman : I understand, Pandit Malaviya, that you suggest that we should adjourn now?

Pandit M. M. Malaviya : If Sir Ali Imam wishes to place the Muslim point of view before the Committee I have no objection, but I thought that a general discussion on the subject might stand over.

Chairman : I would suggest that if you are going to adjourn we had better not have any speech which is likely, perhaps, to raise unnecessary difficulties.

Pandit M. M. Malaviya : That was the reason for my suggestion.

Sir Provash Chunder Mitter : I think that we should adjourn, but I should like to mention that so far as the Bengal Delegates are concerned we have not heard anything. We shall be quite willing to join in these conversations.

Chairman : There are other minorities which are represented. If we adjourn, they will have to see if they can get their point of view made ready for expression. An adjournment would be useful only if those representatives of the other sections would use the adjournment period for the purpose of preparing something, and then handing in to me, in preparation for the next meeting, a list of names of those who would like to take part in the discussions. I am rather at a disadvantage this morning because nobody has handed in his name. If you would like it, I could conduct this Conference in such a way that you would break up in the course of two or three meetings. That is exactly what I am determined shall not happen. In order to be able to guide the discussion in a friendly and in a profitable way I should like to know who is going to speak, and what points of view are going to be put forward, so that the speakers might be called upon at the most helpful moment. The idea is not to suppress speeches at all, but in order that the discussion shall proceed in such a way as to produce the maximum amount of good. If you do adjourn now, please remember that the others of you are coming to a bargain with me that you too will use this time for the purpose of making preparations for a statement which will be brief, to the point, and comprehensive, and, I beg of you, helpful. On that understanding, and with that bargain, will you adjourn?

Dr. Ambedkar : I would like to say one word before we adjourn. As regards your suggestion—that while these negotiations are going on members of the other minority communities should prepare their case—I should like to say that, so far as the Depressed Classes are concerned, we have already presented our case to the Minorities sub-Committee last time.

The only thing which remains for me to do is to put before this Committee a short statement suggesting the quantum of representation which we want in the different Legislatures. Beyond that I do not think I am called upon to do anything; but the point I am anxious to make at the very outset is this. I have heard with great pleasure that further negotiations are going to take place for the settlement of the communal issue, but I would like to make this matter absolutely plain at the very start. I do not wish that any doubt should be left on this question at all. Those who are negotiating ought to understand that they are not plenipotentiaries at all; that whatever may be the representative character of Mr. Gandhi or the Congress people, they certainly are not in a position to bind us—certainly not. I say that most emphatically in this meeting.

Another thing I want to say is this—that the claims put forward by the various minorities are claims put forward by themselves irrespective of the consideration as to whether the claims that they have put forward are consistent with the claims of the other minorities. Consequently, any negotiations which take place between one minority on the one hand and the Congress or any other people for that matter on the other hand, without taking into consideration the claims which have been put forward by the other minorities,

can have no chance of success as far as I am concerned. I want to make that absolutely plain. I have no quarrel with the question whether any particular community should get weightage or not, but I do want to say most emphatically that whoever claims weightage and whoever is willing to give that weightage he must not give it—he cannot give it—out of my share. I want to make that absolutely plain.

Sir Henry Gidney : I want to say a very few words. I wholeheartedly associate myself with my friend Dr. Ambedkar. Representing a small community as I do, I fail to see where I come in in this transaction. If the Congress on the one hand makes a settlement with the Muhammadans on the other hand, where do the other minority communities come in? You ask us to settle our differences amongst ourselves and to present them individually. We have already done so. At the last Conference I submitted the minimum demands of the small community I represent. I want to make it abundantly clear that in making this new map of India all minorities should have the right of putting their own little spot on it, and I do not see how we can if the settlement here is going to be entirely a Hindu-Muslim pact.*

A Member : Why do you assume that?

Sir Henry Gidney : The other minorities represent nearly 60,000,000, and if we are on the one hand to make this agreement between the Hindus and the Muhammadans, and on the other hand if the other minority communities are to set their own little houses in order, how do we come together? Who will decide? Will the Government decide and come to a compact with us?

Chairman : I want you to decide with them.

Sir Henry Gidney : With ourselves?

Chairman : With the whole lot of us.

Sir Henry Gidney : If there is going to be a settlement between the Hindus and the Muhammadans I think the other minorities should be represented. We cannot have a settlement of that question alone and have them making concessions to each other at our expense. We have not only to consider the Hindus and Muhammadans but the Princes, who come into this matter also. In other words, if you take the rupee, as it were, and divide 15 annas 9 pies amongst yourselves and leave 3 pies for the minorities to scramble for, that will not be just.

Chairman : Do not let there be any misunderstanding. This is the body before which the final settlement must come, and the suggestion is merely that if there are minorities or communities that hitherto have been in conflict with each other, they should use a short time for the purpose of trying to overcome their difficulties. That will be a step, and a very important and essential step, towards a general agreement, but the agreement is going to be a general one.

Dr. Ambedkar : I have made my position absolutely clear.

Chairman : Dr. Ambedkar's position has been made absolutely clear; in his usual splendid way he has left no doubt at all about it, and that will come up when this body resumes its discussion. What I would like to do is to get you all to feel that we are co-operating together for a general settlement; not for a settlement between any two or any three, but a complete settlement.

Sardar Ujjal Singh : I should like to say a few words. The question with which we are faced is the solution of the minorities problem. It is not a question that concerns Hindus and Muhammadans only; it is the question of how the various minorities are to be protected in the new constitution. If the Hindus and the Muhammadans are going to negotiate, they cannot negotiate for all the minorities; nor are the Muhammadans a minority in all the Provinces. Taking India as a whole the Muhammadans are certainly a very strong minority, but there are three or four other minorities—the Sikhs, the Europeans, the Christians and the Depressed Classes—whose rights have got to be equally protected.

Another point that has got to be borne in mind is that in the Federal constitution that we are going to evolve the Provinces will have very extensive powers and the control of the Central Government will be largely relaxed, so that the real problem will be within the Provinces—the problem of the majorities and minorities in the various autonomous Provinces.

Take, for example, the Punjab. The question there would not be that of a Hindu majority and a Muslim minority; it is a question of a Muslim majority and a Sikh minority. The question ought therefore to be faced and tackled from that point of view. It will not bring a solution nearer if the Hindus and the Muhammadans alone are to negotiate. They cannot negotiate for all the minorities nor can the settlement be arrived at without adjusting the claims of other important minorities.

I welcome the adjournment, but I do impress on this Committee that that adjournment period should be utilised and could very well be utilised by the representatives of the various minorities also taking part in the negotiations which are to be conducted. That is the only way of arriving at a complete settlement if it is intended that the settlement should be acceptable to all concerned. If this is not done, you will be creating suspicion in the minds of the various minorities. I need only say very modestly that no agreement will be acceptable to the Sikhs to which they do not become a party by securing what they consider the minimum for self-preservation.

With these few words I welcome the adjournment, but I repeat that it ought to be utilised in the proper manner.

Chairman : The position is this. We will adjourn now, I think, and later continue our meetings. Pending any negotiations that may be going on between any two or any three of you, we can take up the time in listening to a statement of the claims of the other minorities. I think that would be very useful. It would save time, and it would not mar the possibility of any harmony that may be

reached between, say, our Sikh friends—who, we know, can look after themselves with a great deal of persistence—Mr. Gandhi and his friends, and the Aga Khan and his.

But do, my friends, go away from this meeting now with a spirit of determination to settle this problem. Determine that this is going to be settled and that it is not going to be a mere rival fight ending in nothing.

If you will agree to adjourn now, in the meantime will you be good enough to send in names which I will call at the next meeting, and in the meantime the various negotiations can be continued? The question is when our next meeting shall be.

Dr. Ambedkar : I should like to suggest whether it would not be possible for you to appoint a small Committee consisting of members drawn from the various minority communities, along with the Congress representatives, to sit in an informal manner and discuss this problem during the period of the adjournment.

Chairman : I was going to make this suggestion. Do not ask me to appoint that Committee; do it yourselves. I have invited you to get together. Could not you manage to hold an informal meeting amongst yourselves and talk the matter over, and then when you speak here you will speak with some sort of knowledge of the effect of what you are saying on others? Could we leave it in that way?

Dr. Ambedkar : As you like.

Chairman : That would be far better.

(The Committee adjourned at 12-35 p.m.)

PROCEEDINGS OF THE EIGHTH MEETING OF THE MINORITIES COMMITTEE HELD ON THURSDAY, 1ST OCTOBER, 1931, AT 11.0 A.M.

Mr. Gandhi : Prime Minister, after consultation with His Highness The Aga Khan and other Muslim friends last night, we came to the conclusion that the purpose for which we meet here would be better served if a week's adjournment was asked for. I have not had the opportunity of consulting my other colleagues, but I have no doubt that they will also agree in the proposal I am making. I have been having with my Muslim friends anxious conversations, and I had the pleasure of meeting some other friends also last afternoon belonging to the different groups or classes. We were not able to make much headway, but they too felt that the time at our disposal was too short even for exchanging views. I may say for myself that beyond this week's adjournment I would not press for any further adjournment, but I would report to this Committee what has been the result of the endeavour I shall be making during the week.

I let out no secret when I inform this Committee that His Highness and the other friends with whom I was closeted last night laid

upon my shoulders the burden of calling representatives of the different groups together and holding consultations with a view to arriving at some final settlement. If this proposal of mine commends itself to you, Prime Minister, and to the rest of the members of this Committee, I shall be glad. I know that His Highness will second this proposal, and let us all hope that at the end of the week it will be possible to report some sort of a settlement.

When I express this hope I do not wish to convey any impression that, because I express it, there is something that I know, and on which I am building that hope. But I am an irrepressible optimist, and often in my lifetime when the horizon has appeared to be the blackest, some turn has taken place which has given good ground for hope. Whatever it may be, so far as human endeavour is possible, all that endeavour will be made, I have no doubt, by many members of this Committee to arrive at a settlement.

With these words I leave my proposal, that we adjourn our proceedings to this day week, in your hands for consideration.

H.H. The Aga Khan : I have pleasure in seconding the proposal.

Sardar Ujjal Singh : I rise to give my whole-hearted support to this proposal, and I share the hope that by this means we may come to some understanding, given good will on both sides.

Dr. Ambedkar : I do not wish to create any difficulty in our making every possible attempt to arrive at some solution of the problem with which this Committee has to deal, and if a solution can be arrived at by the means suggested by Mahatma Gandhi, I, for one, will have no objection to that proposal.

But there is just this one difficulty with which I, as representing the Depressed Classes, am faced. I do not know what sort of committee Mahatma Gandhi proposes to appoint to consider this question during the period of adjournment, but I suppose that the Depressed Classes will be represented on this committee.

Mr. Gandhi : Without doubt.

Dr. Ambedkar : Thank you. But I do not know whether in the position in which I am to-day it would be of any use for me or my colleague to work on the proposed committee. And for this reason. Mahatma Gandhi told us on the first day that he spoke in the Federal Structure Committee that as a representative of the Indian National Congress he was not prepared to give political recognition to any community other than the Muhammadans and the Sikhs. He was not prepared to recognise the Anglo-Indians, the Depressed Classes, and the Indian Christians. I do not think that I am doing any violence to etiquette by stating in this Committee that when I had the pleasure of meeting Mahatma Gandhi a week ago and discussing the question of the Depressed Classes with him, and when we, as members of the other minorities, had the chance of talking with him yesterday in his office, he told us in quite plain terms that the attitude that he had taken in the Federal Structure Committee was his full and well considered attitude.

What I would like to say is that unless at the outset I know that the Depressed Classes are going to be recognised as a community entitled to political recognition in the future constitution of India, I do not know whether it will serve any purpose for me to join the particular committee that is proposed by Mahatma Gandhi to be constituted to go into this matter. Unless, therefore, I have an assurance that this committee will start with the assumption that all those communities which the Minorities sub-Committee last year recommended as fit for recognition in the future constitution of India will be included, I do not know that I can whole-heartedly support the proposition for adjournment, or that I can whole-heartedly co-operate with the committee that is going to be nominated. That is all that I wish to make plain now.

Sir Henry Gidney : On behalf of the community which I have the honour to represent I associate myself entirely with my friend Dr. Ambedkar. I also am in the unfortunate position of having been refused recognition by Mahatma Gandhi as far as a separate community is concerned. I may be wrong, but I am sure that Mahatma Gandhi will correct me if I am. Yesterday, when we met Mahatma Gandhi upon this matter, he impressed us in terms that left no doubt in my mind that as a community he and the Congress were not prepared to recognise us, and that the Lahore Resolution of the Congress indicated, almost at the behest of the Mahatma, that it was only possible to recognise two communities, the Muhammadans and the Sikhs, and that that was on traditional and historical grounds. Possibly it might be impertinence on my part to claim the same grounds for the recognition of my community. But I do ask the Mahatma to make it abundantly clear here before this meeting, before this committee is appointed, and before you, Sir, ask for an adjournment, that he will include in this committee representatives of those communities which have already received recognition on this committee.

Rao Bahadur Pannir Selvam : The statement made by Dr. Ambedkar is news to me. I was not aware until now that the Mahatma was not granting us any recognition. If that be so, I submit that our position here will be absolutely unnecessary. Since no recognition as a community in the political future is given to us, I am really unable to see what purpose will be served by our taking part in any committee that might subsequently be formed. I feel that I ought to put forward my case exactly in the same terms as Dr. Ambedkar and Sir Henry Gidney have stated theirs.

Dr. Moonje : I did not attach much importance or so much seriousness to the fact when I read in the papers that only two communities are to be recognised by Mahatma Gandhi in the Minorities Committee. I thought that perhaps it might be a kind of move to facilitate conciliation and understanding, and to smooth over difficulties, but I find from Dr. Ambedkar's speech, and from Sir Henry Gidney's speech, that they have taken the matter most seriously. Therefore, I should like to say, and bring it to the notice of the Committee, that even the Hindus in the Provinces of Punjab

and Bengal are minorities, and have, therefore, to look after their own interests also. With this little explanation, I have no objection to the proposal of adjourning for considering this question. •

Sir Muhammad Shafi : I am afraid there is some misapprehension in the minds of some of my friends about the proposal which has been put forward by Mahatma Gandhi. As I understand that proposal, Mahatma Gandhi does not ask for the appointment of a sub-committee of this Committee, nor does he ask for the appointment of a committee in the ordinary sense of the term. What is intended is this, that each group constituting the whole of this Committee, including of course the Depressed Classes and the Anglo-Indian community, might select a few representatives, one or two or three from each group, who should meet together and consider, after an exchange of ideas, whether some settlement satisfactory to all cannot be arrived at and thus lighten the burden which rests upon the shoulders of the Minorities Committee as a whole. If that consummation can be arrived at, I am sure every sincere well-wisher of India's peaceful progress ought to be glad to contribute to the bringing about of that consummation. I am afraid the objection made by my friend Dr. Ambedkar is merely the result of a misapprehension as to the nature of the proposal made by Mahatma Gandhi and seconded by His Highness The Aga Khan. If after this explanation which I have ventured to submit, a unanimous decision can be arrived at in favour of the adjournment of this Committee for a week in order to enable us all to meet in a friendly spirit, in a spirit of co-operation, as sincere well-wishers for peaceful progress in our common Motherland, I shall be very glad.

Mrs. Naidu : Mr. Prime Minister, as I do not represent either a minority or a special interest I am completely disinterested in the appeal I am going to make to the minorities and special interests not to raise difficulties and not to cross their bridges before they come to them. It is only in fulfilment of the appeal, Sir, which you made to us the other day, which coincides with our own sense of self-respect, with our own sense of duty in settling a domestic matter entirely without outside arbitration or intervention, that I want to make an appeal that we should settle our domestic quarrels, if there are any, and announce to you a reconciliation, if there must be a reconciliation, but at any rate a harmonious result, and I think that is the reason why Mahatma Gandhi has made this motion for an adjournment. I do not think that any single minority, however small, need have any apprehension. Every minority is as much a part of the nation as every majority, and I, for one, pledge myself to follow the exhortation given to me by one of the greatest statesmen in Europe, whose boast is that he built up an independent nation without an army and without money. He said to me two years ago: "Madame, keep your minorities happy; you cannot build a nation without giving a sense of security to your minorities;" and it is because we want to give this sense of security to the minorities and make them feel that

they are an integral part of the nation that a majority community, speaking through the mouth of Mahatma Gandhi, and, if I may say so, also a majority community, speaking through the mouth of His Highness The Aga Khan, are making an appeal that we shall not bring our small domestic quarrels before those who are not concerned primarily with them, but that we shall settle them ourselves, with equity, magnanimity and a sense of chivalry which is justice, and a sense of self-respect which does not permit outsiders to know of the differences within our own house.

That is my appeal, Prime Minister, and I hope it will be accepted by all the minorities and majorities present.

Dr. Ambedkar : I should like to make my position further clear. It seems that there has been a certain misunderstanding regarding what I said. It is not that I object to adjournment; it is not that I object to serving on any committee that might be appointed to consider the question. What I would like to know before I enter upon this committee, if they give me the privilege of serving on it, is: What is the thing that this committee is going to consider? Is it only going to consider the question of the Muhammadans *vis-à-vis* the Hindus? Is it going to consider the question of the Muhammadans *vis-à-vis* the Sikhs in the Punjab? Or is it going to consider the question of the Sikhs *vis-à-vis* the Hindus? Is it going to consider the question of the Christians, the Anglo-Indians and the Depressed Classes?

If we understand perfectly well before we start that this committee will not merely concern itself with the question of the Hindus and the Muhammadans, of the Hindus and the Sikhs, but will also take upon itself the responsibility of considering the Depressed Classes, the Anglo-Indians and the Christians, I am perfectly willing to allow this adjournment resolution to be passed without my protest. But I do want to say this, that if I am to be left out in the cold, and if this interval is going to be utilised for the purpose of solving the Hindu-Muslim question and the Hindu-Sikh question, I would press that this Committee should at once grapple with the question and consider it, rather than allow both positions to be taken hold of by somebody else.

Mr. Gandhi : Prime Minister and friends, I see that there is some kind of misunderstanding with reference to the scope of the work that some of us have set before ourselves. I fear that Dr. Ambedkar, Colonel Gidney and other friends are unnecessarily nervous about what is going to happen. Who am I to deny political status to any single interest or class or even individual in India? As a representative of the Congress I should be unworthy of the trust that has been reposed in me by the Congress if I were guilty of sacrificing a single national interest. I have undoubtedly given expression to my own views on these points. I must confess that I hold to those views also. But there are ways and ways of guaranteeing protection to every single interest. It will be for those of us who will be putting our heads together to try to evolve a scheme. Nobody would be hampered in pressing his own views on the

members of this very informal conference or meeting. We need not call it a committee. I have no authority to convene any committee or to bring into being a committee. I can only act as a humble messenger of peace, try to get together representatives of different interests and groups, and see whether, by being closeted in one room and by heart-to-heart conversation, we may not be able to remove cobwebs of misunderstanding and see our way clear to the goal that lies so hazily before us to-day.

I do not think, therefore, that anybody need be afraid as to being able to express his opinion or carrying his opinion also. Mine will be there equal to that of everyone of us; it will carry no greater weight; I have no authority behind me to carry my opinion against the opinion of anybody. I have simply given expression to my views in the national interest, and I shall give expression to these views whenever they are opportune. It will be for you, it is for you to reject or accept those opinions. Therefore please disabuse your minds, everyone of us, of the idea that there is going to be any steam-rolling in the Conference and the informal meetings that I have adumbrated. But if you think that this is one way of coming closer together than by sitting stiffly at this table, you will not only carry this adjournment motion, but give your wholehearted co-operation to the proposal that I have made in connection with these informal meetings.

Sir Hubert Carr : Mr. Prime Minister, my community has not been mentioned. It is a very small one; but I would like to say that we welcome an adjournment or any other means which will assist a solution of this question which we recognise must precede the final consideration of other questions in which we are all vitally interested.

Dr. Datta : May I say I welcome this adjournment.

Chairman : Then I shall proceed to put it. I put it on the clear understanding, my friends, that the time is not going to be wasted, and that these conferences—as Mr. Gandhi has said, informal conferences, but nevertheless I hope very valuable and fruitful conferences—will take place between now and our next meeting. I hope you will all pledge yourselves to use the time in that way.

(The Committee adjourned at 11-28 a.m.)

PROCEEDINGS OF THE NINTH MEETING OF THE MINORITIES COMMITTEE HELD ON THURSDAY, 8TH OCTOBER, 1931, AT 11 A.M.

Chairman : When we met last Thursday, by common consent we adjourned for a week in order to enable informal and unofficial consultations to take place, with a view of coming to an agreement. Perhaps our first business is to receive a report from those who conducted the negotiations. May I ask Mr. Gandhi to speak first?

Mr. Gandhi : Prime Minister and friends, it is with deep sorrow and deeper humiliation that I have to announce utter failure on my part to secure an agreed solution of the communal question

through informal conversations among and with the representatives of different groups. I apologise to you, Mr. Prime Minister, and the other colleagues for the waste of a precious week. My only consolation lies in the fact that when I accepted the burden of carrying on these talks I knew that there was not much hope of success, and still more in the fact that I am not aware of having spared any effort to reach a solution.

But to say that the conversations have to our utter shame failed is not to say the whole truth. Causes of failure were inherent in the composition of the Indian Delegation. We are almost all not elected representatives of the parties or groups whom we are presumed to represent; we are here by nomination of the Government. Nor are those whose presence was absolutely necessary for an agreed solution to be found here. Further, you will allow me to say that this was hardly the time to summon the Minorities Committee. It lacks the sense of reality in that we do not know what it is that we are going to get. If we knew in a definite manner that we were going to get the thing we want, we should hesitate fifty times before we threw it away in a sinful wrangle, as it would be if we are told that the getting of it would depend upon the ability of the present Delegation to produce an agreed solution of the communal tangle. The solution can be the crown of the Swaraj constitution, not its foundation—if only because our differences have hardened, if they have not arisen, by reason of the foreign domination. I have not a shadow of a doubt that the iceberg of communal differences will melt under the warmth of the sun of freedom.

I, therefore, venture to suggest that the Minorities Committee be adjourned *sine die* and that the fundamentals of the constitution be hammered into shape as quickly as may be. Meanwhile, the informal work of discovering a true solution of the communal problem will and must continue; only it must not baulk or be allowed to block the progress of constitution-building. Attention must be diverted from it and concentrated on the main part of the structure.

I hardly need point out to the Committee that my failure does not mean the end of all hope of arriving at an agreed solution. My failure does not even mean my utter defeat; there is no such word in my dictionary. My confession merely means failure of the special effort for which I presumed to ask for a week's indulgence, which you so generously gave.

I propose to use the failure as a stepping-stone to success, and I invite you all to do likewise; but, should all effort at agreement fail, even when the Round Table Conference reaches the end of its labours, I would suggest the addition of a clause to the expected constitution appointing a judicial tribunal that would examine all claims and give its final decision on all the points that may be left unsettled.

Nor need this Committee think that the time given for enabling informal conversations to be carried on has been altogether wasted. You will be glad to learn that many friends not members of the Delegation have been giving their attention to the question.

Among these I would mention Sir Geoffrey Corbett. He has produced a scheme of redistribution of the Punjab which, though it has not found acceptance, is, in my opinion, well worth studying. I am asking Sir Geoffrey if he will kindly elaborate and circulate it among the members. Our Sikh colleagues have also produced another, which is at least worthy of study. Sir Hubert Carr produced last night an ingenious and novel proposal to set up for the Punjab two Legislatures, the lower to satisfy the Muslim claim and the upper nearly satisfying the Sikh claim. Though I am no believer in a bicameral Legislature, I am much attracted by Sir Hubert's proposal, and I would invite him to pursue it further with the same zeal with which, I gratefully admit, he followed and contributed to the informal deliberations.

Lastly, inasmuch as the only reason for my appearance at these deliberations is that I represent the Indian National Congress, I must clearly set forth its position. In spite of appearances to the contrary, especially in England, the Congress claims to represent the whole nation, and most decidedly the dumb millions, among whom are included the numberless Untouchables, who are more suppressed than depressed, as also in a way the more unfortunate and neglected classes known as Backward Races.

Here is the Congress position in a nutshell. I am reading the Congress resolution on the subject. However much it may have failed in the realisation, the Congress has, since its inception, set up pure nationalism as its ideal. It has endeavoured to break down communal barriers. The following Lahore resolution was the culminating point in its advance towards nationalism. In view of the lapse of the Nehru Report it is unnecessary to declare the policy of the Congress regarding communal questions:—

“ The Congress believing that in an independent India communal questions can only be solved on strictly national lines; but as the Sikhs in particular, and the Muslims and the other minorities in general, have expressed dissatisfaction over the solution of communal questions, proposed in the Nehru Report, this Congress assures the Sikhs, the Muslims and other minorities that no solution thereof in any future constitution will be acceptable to the Congress that does not give full satisfaction to the parties concerned.”

Hence the Congress is precluded from setting forth any communal solution of the communal problem, but at this critical juncture in the history of the nation it was felt that the Working Committee should suggest for adoption by the country a solution, though communal in appearance, yet as nearly national as possible, and generally acceptable to the communities concerned. The Working Committee, therefore, after full and free discussion, unanimously passed the following scheme:—

“ 1. (a) The article in the constitution relating to fundamental rights shall include a guarantee to the communities concerned of the protection of their cultures, languages.

scripts, education, profession and practice of religion and religious endowments;

(b) Personal laws shall be protected by specific provisions to be embodied in the constitution;

(c) Protection of political and other rights of minority communities in the various Provinces shall be the concern and be within the jurisdiction of the Federal Government."

2. The Franchise shall be extended to all adult men and women—"

then there is a note to this:—

"The Working Committee is committed to adult franchise by the Karachi resolution of the Congress, and cannot entertain any alternative franchise. In view, however, of misapprehensions in some quarters, the Committee wishes to make it clear that in any event the franchise shall be uniform and so extensive as to reflect in the electoral roll the proportion in the population of every community.

3. (a) Joint electorates shall form the basis of representation in the future constitution of India; (b) That for the Hindus in Sind, the Muslims in Assam and the Sikhs in the Punjab and North-West Frontier Province, and for Hindus and Muslims in any Province where they are less than 25 per cent. of the population, seats shall be reserved in the Federal and Provincial Legislatures on the basis of population, with the right to contest additional seats.

4. The appointments shall be made by non-Party Public Service Commissions, which shall prescribe the minimum qualifications, and which shall have due regard to the efficiency of the public service as well as to the principle of equal opportunity to all communities for a fair share in the Public Services of the country.

5. In the formation of Federal and Provincial Cabinets, the interests of minority communities shall be recognised by convention. The North-West Frontier Province and Baluchistan shall have the same form of government and administration as other Provinces.

7. Sind shall be constituted into a separate Province provided that the people of Sind are prepared to bear the financial burden of the separated Province.

8. The future constitution of the country shall be Federal. The residuary powers shall vest in the federating units unless on further examination it is found to be against the best interest of India.

The Working Committee has adopted the foregoing scheme as a compromise between the proposals based on undiluted communalism and undiluted nationalism. Whilst on the one hand the Working Committee hopes that the whole nation will endorse the scheme, on the other it assures those

who take extreme views and cannot adopt it, that the Committee will gladly, as it is bound to by the Lahore Resolution, accept without reservation any other scheme if it commands the acceptance of all the parties concerned."

That is the Congress resolution.

If, however, a national solution is impossible and the Congress scheme proves unacceptable, I am not precluded from endorsing any other reasonable scheme which may be acceptable to the parties concerned. The Congress position on this question therefore is one of the greatest possible accommodation. Where it cannot help it will not obstruct. Needless to say the Congress will whole-heartedly support any scheme of private arbitration. It seems to have been represented that I am opposed to any representation of the Untouchables on the Legislature. This is a travesty of the truth. What I have said, and what I must repeat, is that I am opposed to their special representation. I am convinced that it can do them no good, and may do much harm; but the Congress is wedded to adult franchise. Therefore millions of them can be placed on the Voters' Roll. It is impossible to conceive that, with untouchability fast disappearing, nominees of these voters can be boycotted by the others; but what these people need more than election to the Legislatures is protection from social and religious persecution. Custom, which is often more powerful than law, has brought them to a degradation of which every thinking Hindu has need to feel ashamed and to do penance. I should, therefore, have the most drastic legislation rendering criminal all the special persecution to which these fellow-countrymen of mine are subjected by the so-called superior classes. Thank God, the conscience of Hindus has been stirred, and untouchability will soon be a relic of our sinful past.

Sir Muhammad Shafi : Prime Minister, I am sure every one of the Indian representatives on this Committee shares the humiliation and sorrow to which Mahatma Gandhi has given expression as a result of the breakdown of the discussions and negotiations which have been going on during the last week with a view, if possible, to arrive at an amicable settlement of the communal problem. I desire on behalf of the Muslim Delegation to bear testimony to the indefatigable efforts which Mahatma Gandhi has made in order to bring about such a settlement. Indeed he has spared no effort, to quote his own language, in order to achieve that consummation; but it is unfortunate that his efforts, and those of other members of the informal committee who have striven to their utmost to bring about such a settlement, have ended in failure.

Mahatma Gandhi has expressed it as his opinion this morning that the failure is due to the constitution of the British Indian Delegation, inasmuch as the members of the British Indian Delegation, according to him, were nominated by Government and not elected by the people. With all respect to Mahatma Gandhi, I entirely dissent from that proposition. It is well known to you all that there are four great political parties in India; the Indian National Congress, the Hindu Mahasabha, the Liberal Federation

and the Muslim Community. We have present here at this Conference Mahatma Gandhi himself whom the Working Committee of the Indian National Congress have appointed as their sole Delegate. So that the Indian National Congress is fully represented in this Committee. We have the founder of the All-India Hindu Mahasabha in the person of Pandit Madan Mohan Malaviya as a member of this Committee.

Sir A. P. Patro : Is that a political body or a religious association?

Sir Muhammad Shafi : It is a political body.

Pandit M. M. Malaviya : I am not the founder of it.

Sir Muhammad Shafi : We have also the working President of that organisation, Dr. Moonje, and an *ex*-President of that organisation, Raja Narendra Nath, present here in the Minorities Committee.

Coming to the Liberal Federation, almost all the prominent members and office bearers of that organisation are present here as members of the British Indian Delegation.

So far as the Muslim community is concerned, you have the President of the Khilafat Conference, the President of the All-India Muslim League, the President of the All-India Muslim Conference, and office bearers of all the other various Muslim organisations present as members of the British Indian Delegation. You have also the gentleman who presided over a party which has recently come into being in India, the Muslim Nationalist Party. You have the President of the Conference of that Party held in Lucknow present here as a member of the British Indian Delegation.

To say, therefore, that it is only Government nominees who are members of the British Indian Delegation is, I venture to submit, to put forward a proposition which will not bear examination. The leaders of all the various political parties in India are members of the Round Table Conference, and they were nominated by the Government of India after consultation with the Working Committees and Executives of these various organisations.

In these circumstances, I venture to submit that the British Indian Delegation is thoroughly representative of the peoples of India; and if, in spite of this fact, we have not been able to arrive at an amicable settlement of the communal problem, all I can say is this, that the sense of humiliation and sorrow to which Mahatma Gandhi has given expression has gone deep into the hearts of some of us. It is heart-breaking indeed that in spite of the efforts made by those who firmly believe that the future of India rests entirely upon Hindu-Muslim unity, upon a satisfactory settlement of the communal problem and a settlement of the Minorities question in India, we should not have been able to arrive at an agreement, and we most deeply regret this breakdown. That is all I have to say with reference to this part of the observations made by Mahatma Gandhi.

Then Mahatma Gandhi suggested that a clause should be introduced in the constitution providing for the appointment of a judicial tribunal to decide questions which are left undecided. If Mahatma Gandhi contemplates that the question of the settlement of the communal problem also should be referred to that tribunal, I venture to submit that he is ignoring one vital factor in the whole case. When he says that the constitution should include a clause, does he realise that it is impossible to frame a constitution for India without first settling the various communal problems involved? If I may liken the work of the Federal Structure Committee to the forging of a chain, then what I would say is this. Many of the links of this chain—indeed, some of the most important of the links of this chain—are dependent upon the solution of the communal problem. Without a solution of the communal problem the chain cannot be forged, and in consequence it is impossible to frame a constitution without settling the communal problem.

Then Mahatma Gandhi referred to a solution of the Punjab problem suggested by Sir Geoffrey Corbett, and to a solution also suggested last night by Sir Hubert Carr. We on this side are perfectly willing to examine those solutions.

In so far as the solution suggested by Sardar Ujjal Singh is concerned, it includes, amongst some of the suggestions made, the handing over of the Multan and Rawalpindi Divisions to the North-West Frontier Province—that is to say, that the North-Western and South-Western Punjab, instead of going ahead in this scheme of constitutional evolution which we contemplate, should be handed over to the North-West Frontier Province.

I do not wish to add anything further.

Sardar Ujjal Singh : It is not quite correct. I would rather present that scheme so that it might form part of the proceedings. It might be circulated to the members of the Committee.

Sir Muhammad Shaif : If I had made a misstatement, or if I have not understood his proposals correctly, my learned friend would be perfectly justified in getting up and correcting me; but if I am right in saying that his scheme contemplates the handing over of the North-Western and South-Western Punjab—that is to say, the Rawalpindi Division and the Multan Division—to the North-West Frontier Province, then I think every member of this Committee will see immediately that the Muhammadans of the Punjab are not likely to accept such a proposal as that. I need say nothing further with regard to these schemes.

Then Mahatma Gandhi went on to read the Congress resolution on the settlement of communal questions. I need only say that the Congress resolution read out to us this morning has already met with the fate of the Nehru Report. It has been rejected by the Hindus of the Punjab, has been rejected by the Sikhs, has been rejected by the Muslim community; so it is no use referring to that resolution here.

Then Mahatma Gandhi further stated that the Congress will whole-heartedly support any scheme of arbitration. Now, that is an observation made by Mahatma Gandhi of which I must take note. I wish to remind the members of the Minorities Committee of the speech delivered by the Prime Minister at the conclusion of the last Session of the Round Table Conference. During the course of that speech the Prime Minister observed as follows:—

“ Then there is the third category of safeguards, relating to communities. Now I repeat what I have said to you so often regarding that: if you fail to agree to set up your own safeguards, to come to a settlement between yourselves regarding those safeguards, the Government will have to provide in the constitution provisions designed to help you.”

I venture to submit that there is only one course open after this breakdown of the negotiations and discussions, and that is that this Committee ought to go ahead. We who are convinced that the future of India lies within the British Commonwealth of Nations are not willing to accept the arbitration of any outsider. His Majesty's Government as the head of that Commonwealth are the judges who are in the best of positions to decide the question, and we are perfectly willing that they should be the judges of this question. Indeed, constitutionally it is His Majesty's Government and the British Parliament which will have to undertake the responsibility of deciding this question along with the other questions relating to constitutional evolution in India.

Lastly, the Muslim Delegation is not prepared to agree to the proposal made by Mahatma Gandhi that the proceedings of this Committee should be adjourned *sine die* and that the work of constitution-building in the Federal Structure Committee should go on. We hold that it is impossible to carry on that work in the Federal Structure Committee without concluding the work of the Minorities Committee. As I have said, the links which remain to be forged in that Committee are all dependent upon the solution of the communal problem. To give but one illustration: There is the question of responsibility in the Centre. As I said in the concluding paragraph of my speech before this very Committee at an earlier stage, if the communal problem is not settled, to whom is the British Government to transfer responsibility? To the Hindus? Then the Muslims will object. To the Muslims? Then the Hindus will object; and unless and until the minorities are satisfied—all minorities, Depressed Classes, Europeans, Anglo-Indians and Christians—that their vital interests have been adequately safeguarded as a result of the deliberations of this Committee, how can you expect them to agree to the transfer of responsibility?

I venture to suggest that the proposal made by Mahatma Gandhi—that this Committee should adjourn *sine die*—is not acceptable on any grounds, and in consequence I am instructed by the Muslim Delegation to oppose it.

Sir A. P. Patro : Mr. Prime Minister, I tremble to speak on this occasion after the speech of Sir Muhammad Shafi; I feel so

diffident. I feel that after all these direct and distinct assertions it would be futile for me to attempt to throw oil over the troubled waters. It has been my painful duty since 1929 to attempt to assist as far as I could in the solution of this problem. It is painfully disappointing to see that we have failed. Last year I appealed to all the Delegates and said the time had come when His Majesty's Government should undertake the responsibility of solving this problem. High hopes were roused in me when Mahatma Gandhi was sailing to take part in this Conference. I realise, as everyone here round this table and outside realises, that, with his great moral force and his great personality, however much we differ from his politics, he was the only person that would be able to adjust and solve this very difficult problem, the communal problem. I heard him with great respect when I met him in private and in public and was impressed with his great earnestness and sincerity for the solution of this problem. We have failed; it is a great misfortune; but as a practical worker I do not feel despondent and I do not despair. If we have failed now in solving this problem, what is it that we can do next?

It seems to me there are two ways in which we can pursue this problem. I suggested last year that it should be taken up by His Majesty's Government on the basis of the recommendations of the Government of India Despatch, and that they should proceed with the work—not that they should impose any solution upon us, but that they should solve the problem equitably and leave it to the various Provinces to understand the position in which they would be situated. In other words it should be a solution which will be acceptable to most people. No solution which His Majesty's Government or anyone else may make will be acceptable to all sections. It is so with regard to every political problem. We see the same position in regard to European nationalities; we find it the same here also in this great country. Therefore the fact that it will rouse opposition from certain quarters need not deter His Majesty's Government from taking courage to solve this problem in the light of the information that is available to them and in the light of the great volume of evidence that is before them. That is one method which I have suggested and which I again repeat with all respect. I know the disadvantage at which I am placing the Government in asking them to undertake such a responsibility and such a serious task; but the British Government has undertaken more serious responsibilities in regard to the administration of India in laying down policies for the Government of India. Therefore the Home Government need not hesitate to undertake this responsibility. That is especially so in the light of what His Excellency the Viceroy has said. On the 30th October, 1929, he said that the end of the constitutional issue is the attainment of Dominion Status for India.

The Secretary of State has repeated it and has said that India is already enjoying Dominion Status. In the light of these assurances given to the people of India we claim that it is the duty of

His Majesty's Government to take up this responsibility, however unpleasant it may be for the time being. There must be change in the Centre immediately.

Then there is a second solution which I would venture to place before this Committee. When we failed to achieve a solution, Mahatma Gandhi said that the composition of this Committee is such that it did not assist in the matter of solving this problem. I consider that it may be so in the sense that all the Delegates from different Provinces were clubbed together, and each section and each Province and community was trying to force its own problems upon the whole body. In other words, until the small hours of this morning we were occupied with the problem of the Punjab. Sir Muhammad Shafi is so much obsessed with the problem of the Punjab that he thought there were only four political parties in India, including his own, the Mahasabha and others. He forgot other Provinces and the conditions which exist elsewhere. It is pardonable on his part that, being occupied so much with Punjab affairs, he should forget the conditions prevailing in other Provinces and the parties there which have been working on constitutional methods.

Sir Muhammad Shafi : I admit my mistake.

Sir A. P. Patro : I am glad he acknowledges the mistake—the very serious mistake—he made in claiming that there were only four parties in India.

The point which I am placing before you for serious consideration is that, as Mahatma Gandhi said, the composition of this Committee is such that it has placed particular provincial and parochial interests above the interests of all India, and therefore Indian nationalism could not easily find expression in the deliberations of this Committee.

What is it, therefore, that we ought to do in order to overcome these difficulties? When we have got a full scheme of provincial autonomy and federation together worked out by the British Government, and when both for the Provinces and the Centre the scheme is ready, the former may be referred to the Provinces in each case, and the Provinces may form small conferences or committees of representatives in order to solve the difficulties relating to themselves. I find it has been a great mistake on the part of the British Government and of British policy to attempt to achieve uniformity of policy, uniformity of action, and uniformity of administration throughout the whole of India. Conditions in Provinces differ radically in many respects. You cannot, therefore, impose one particular form of government, one particular scheme, that will be suitable for the whole of India. You must, therefore, take the Provinces, Province by Province, and ask them to form small conferences, representative of all interests and of all communities, to come to an understanding on the communal problem and on the constitutional problem. From this Central responsibility becomes inevitable.

When once you invite representatives of the various communities and interests to meet in conference, you must not allow these conferences to be again divided. There should be one vote for each interest and one vote for each community, and in that way, whatever may be the number and the composition of these conferences, you would have this one principle, namely, that each community and each interest will have one vote, and thereby an agreed scheme may be very possible.

Whenever a Province comes to an agreed scheme, both in the matter of communities and in the matter of the constitution, that scheme will naturally be examined by the Government of the Province, and when it has made its remarks it will be forwarded to Parliament, and Parliament must be in a position to confirm or endorse such scheme. The agreed scheme of the people must be endorsed by Parliament; that is to say, the scheme which the British Government would outline to us now and immediately, both in regard to the Provinces and in the Centre, must fit in with that of the people, and Parliament will be in a position to endorse it.

There will be, therefore, as Mahatma Gandhi has said, full agreement with all interests and parties in the Provinces. When there is that full agreement according to the Congress constitution expressed by the people in this Conference, and when it is agreed to by the Provincial Governments, there is no danger of such a scheme or such a proposal being in any way detrimental to the working of the constitution. Then if each Province has worked out its own scheme, has solved its communal and other problems in a way suitable to the genius of the people themselves suitable to the economic and political conditions of the people, then there will be no difficulty whatever. Simultaneously, therefore, the whole of the Federal scheme will have to continue to be worked. The Federation of the rest of India must not wait until this re-organisation is completed. There should be no delay in beginning the work of the Federation. It may take time. The whole Federation of India is something unique. It is unprecedented. We cannot copy merely from either the Constitution of Canada or from the Constitution of Australia; but once the principle of Federation has been accepted we shall have to fill in all the details when we see the practical difficulties in the working of the Federal constitution. That will take a long time, and therefore what I want to suggest is, go ahead with the scheme of Federation in the Centre, go ahead with the scheme of Provincial autonomy, work out the scheme of Provincial autonomy, work out the scheme for the Centre. It may take time for the Centre—two or three years—but as some of us suggested to the Prime Minister on the last occasion, it is not wise to delay giving full responsibility in the Provinces immediately. So you will see that responsibility in the Centre will begin in course of time, and at the same time the scheme will be worked in the Centre. It will not be delayed. Then once you have got Provincial representation, you cannot delay any longer the introduction of full responsibility in the Centre as we claim. In the meanwhile the

recommendations of the Government of India must be enforced in the Centre. It is an essential part of any proposal.

Therefore it seems to me that there is no reason for despairing because we have not been able to adjust the communal problem. You can leave it to the conference, which will be better composed of the Provincial delegates, and when those delegates come to a solution of the problem it should be within the power of His Majesty's Government to give sanction to it by Order or by Resolution in the Houses of Parliament. If this is done a great deal of the communal trouble will disappear, and I venture to say respectfully, that it will not at all be in opposition to the scheme which the Congress has adumbrated. However much we may differ from other parts, this part, namely the agreed settlement, would be achieved both in the Provinces and in the Centre.

Therefore I suggest that either His Majesty's Government should take up the solution of the problem, or that we should leave it to the Provinces and to the Federal Assembly in the Centre. Side by side, simultaneously, these two things should go on, and when that is done it seems to me that the problem will be freed from its most difficult aspects.

Dr. Ambedkar : Mr. Prime Minister, last night when we parted at the conclusion of the meeting of the informal Committee we parted, although with a sense of failure, at least with one common understanding, and that was that when we met here to-day none of us should make any speech or any comment that would cause exasperation. I am sorry to see that Mr. Gandhi should have been guilty of a breach of this understanding. Excuse me, I must have the opportunity to speak. He started by giving what were, according to him, the causes of the failure of the informal Committee. Now, I have my own causes which I think were responsible for the failure of the informal Committee to reach an agreement, but I do not propose to discuss them now. What disturbs me after hearing Mr. Gandhi is that instead of confining himself to his proposition, namely, that the Minorities Committee should adjourn *sine die*, he started casting certain reflections upon the representatives of the different communities who are sitting round this table. He said that the Delegates were nominees of the Government, and that they did not represent the views of their respective communities for whom they stood. We cannot deny the allegation that we are nominees of the Government, but, speaking for myself, I have not the slightest doubt that even if the Depressed Classes of India were given the chance of electing their representatives to this Conference, I would, all the same, find a place here. I say therefore that, whether I am a nominee or not, I fully represent the claims of my community. Let no man be under any mistaken impression as regards that.

The Mahatma has been always claiming that the Congress stands for the Depressed Classes, and that the Congress represents the Depressed Classes more than I or my colleague can do. To that claim I can only say that it is one of the many false claims which

irresponsible people keep on making, although the persons concerned with regard to those claims have been invariably denying them.

I have here a telegram which I have just received from a place which I have never visited and from a man whom I have never seen—from the President of the Depressed Classes Union, Kumaun, Almora, which I believe is in the United Provinces, and which contains the following resolution:—

“ This Meeting declares its no-confidence in the Congress movement which has been carried on in and outside the country, and condemns the methods adopted by the Congress workers.”

I do not care to read further, but I can say this (and I think if Mr. Gandhi will examine his position he will find out the truth), that although there may be people in the Congress who may be showing sympathy towards the Depressed Classes, the Depressed Classes are not in the Congress. That is a proposition which I propose to substantiate. I do not wish to enter into these points of controversy. They seem to be somewhat outside the main proposition. The main proposition which Mr. Gandhi has made is that this Committee should be adjourned *sine die*. With regard to that proposition, I entirely agree with the attitude taken up by Sir Muhammad Shafi. I, for one, cannot consent to this proposition. It seems to me that there are only two alternatives—either that this Minorities Committee should go on tackling the problem and trying to arrive at some satisfactory solution, if that is possible, and then, if that is not possible, the British Government should undertake the solution of that problem. We cannot consent to leave this to the arbitration of third parties whose sense of responsibility may not be the same as must be the sense of responsibility of the British Government.

Prime Minister, permit me to make one thing clear. The Depressed Classes are not anxious, they are not clamorous, they have not started any movement for claiming that there shall be an immediate transfer of power from the British to the Indian people. They have their particular grievances against the British people and I think I have voiced them sufficiently to make it clear that we feel those grievances most genuinely. But, to be true to facts, the position is that the Depressed Classes are not clamouring for transfer of political power. Their position, to put it plainly, is that we are not anxious for the transfer of power; but if the British Government is unable to resist the forces that have been set up in the country which do clamour for transference of political power—and we know the Depressed Classes in their present circumstances are not in a position to resist that—then our submission is that if you make that transfer, that transfer will be accompanied by such conditions and by such provisions that the power shall not fall into the hands of a clique, into the hands of an oligarchy, or into the hands of a group of people, whether Muhammadans or Hindus; but that that solution shall be such that the power shall be shared by all

communities in their respective proportions. Taking that view, I do not see how I, for one, can take any serious part in the deliberations of the Federal Structure Committee unless I know where I and my community stand.

Rao Bahadur Pannir Selvam : Mr. Prime Minister. It seems to me that in the course of these deliberations the other minorities have not had their full consideration. All along I have felt that while the smaller communities, including the Depressed Classes, were no doubt afforded an opportunity of stating their claims, the deliberations and the discussions have been concentrated on the Punjab question. The Committee has been wholly engrossed with that problem, and because that question baffled all solutions the informal Conference came to the conclusion that the whole thing had been a failure. The question of the other minorities has never been considered at all. We were only given an opportunity of putting forward our claims. Various communities put forward their claims, but so far no attempt has been made to meet any of those demands or to come to an agreement about those demands. As my friend and leader, Sir Annepu Patro put it, we in the South—coming as I do from Madras—have very little interest in the Punjab internal question. I do not see any reason why it should be taken that the Minorities question has been wholly tackled and a solution has not been arrived at, when our case has not been considered at all.

Therefore I am unable to agree to an adjournment *sine die*. I do think there is work before the Minorities Committee to go into the question of the other minorities as well, of course making special endeavours to find a solution for the Punjab question, and to make it fit in with the general scheme if possible. But my own impression is that we have hardly begun the work as far as the other minorities are concerned. Last year I felt there was no need to put forward the claims of the smaller communities so strongly, because it seemed to me there was practically a unanimity of opinion, at least among the various minority communities, and even the other representatives, about the claims and the extent to which they were to be conceded. I appreciate that the positive attitude of the Congress is qualified by your final clause which states that attempts will be made to satisfy all communities; but the positive portion of the Congress Resolution makes the other minorities feel really nervous.

The resolution of the Congress which Mr. Gandhi has been good enough to read out says that Hindus and Muhammadans shall receive consideration and shall be given separate representation in Provinces where they do not form more than 25 per cent., but most of the other minorities in all Provinces are less than 25 per cent. That resolution distinctly states that the Hindus and the Muhammadans are to be given separate representation in Provinces where they are in a minority.

Dr. Moonje : That is not the Congress resolution. Please read it and study it.

Rao Bahadur Pannir Selvam : As I understand the Congress resolution, it says that in Provinces where the Muhammadans and the Hindus form less than 25 per cent. of the population they shall be given separate representation, and the Sikhs shall be given representation in the Punjab and in the North-West Frontier Province. Nothing is mentioned as regards the other minority communities, and Mr. Gandhi himself has definitely stated that he is personally opposed to any special representation as far as the Depressed Classes are concerned, while we, the other smaller groups—the Indian Christians, who are not a negligible number, the Europeans and the Anglo-Indians—find no place at all in the picture. It seems to me, therefore, that at this stage we have ample work before us to consider the case of all the minorities, and I am not able to endorse the resolution which has been moved that this Committee should be adjourned *sine die*.

Sardar Ujjal Singh : I fully share the deep regret and sorrow so eloquently expressed by Mahatma Gandhi and Sir Muhammad Shafi on the breakdown of the negotiations: but there is one feature which ought to be borne in mind, and it is this. Mahatma Gandhi took on himself the task of the settlement of this question within one week, and the failure means that we have not come to any understanding or settlement within that week. The road to further negotiations is not closed: as a matter of fact, Mahatma Gandhi has definitely stated that informal meetings or negotiations might still be carried on.

Yesterday three alternative schemes were suggested for the way out of the difficulty, and Mahatma Gandhi has referred to them in his speech. The first was a scheme suggested by Sir Geoffrey Corbett, and the second was the one that I had the honour to present, with regard to the redistribution of the Punjab. The third was by Sir Hubert Carr, with regard to a bicameral Legislature in the Punjab.

We had not sufficient time to discuss those schemes on their merits. If Sir Geoffrey Corbett's scheme contemplates the separation of Amballa division from the Punjab, then it cannot be acceptable to the Sikhs. It will place them in a hopeless minority—a position from the frying-pan into the fire. The scheme which the Sikhs have suggested, and which I have worked out in detail, was not properly brought to the notice of the members, and it was probably under some misapprehension that my friend Sir Muhammad Shafi said that we wanted all those ten districts necessarily to be transferred to the North-West Frontier Province.

Sir, I beg to present that scheme for the consideration of the members of the Committee, and I suggest that scheme might be circulated. We do not say that those ten districts must necessarily be transferred to the North-West Frontier Province. It may be left to the will of the population, six millions of them, either to constitute themselves into a separate Province or to be transferred to the North-West Frontier Province. I need not discuss the merits

of that scheme here, for it will be before the members in all its details.

Sir, with regard to the question if we do not ultimately come to any final decision amongst ourselves, I do agree that there is no course open to us except that we should leave it to the Government. The Government in the past has decided for the communities, and in future it is certainly the responsibility of the Government to make a fair and just decision of these problems. But, Sir, there is one point which I should like to make clear, and it is this: that if we continue our discussion in this Committee I doubt very much whether we can come to any settlement. We might be able to express our views, or place our own case, but it is certainly very doubtful whether we can come to any final agreement. The only way to find a solution is by the method of informal conferences. So I do not propose that this meeting should be adjourned *sine die*, but it might be adjourned in order to give members further time for private negotiations—with the hope of removing such a feeling of despair as now prevails in this Committee. As a matter of fact, nobody wants to take the responsibility upon himself for an adjournment. The Prime Minister himself might announce that further time might be given, and meanwhile, if certain members of the various groups want to express their views or put forward their case, they are welcome to do it; but necessarily the agreement will have to be arrived at by private and informal negotiations.

Sir, one word with regard to our future work. I am expressing the feeling of my community that we cannot, in fact, agree to any system of government which provides autonomy to the Provinces in the sense that the Central Government should have little or no control over them, unless we Sikhs are assured of our position and our protection. It matters very greatly to us, concentrated, as we are, in one Province of the Punjab. In that Province we still play such an important part that we must be assured of our protection before we submit to any scheme which grants complete autonomy to the Punjab. This view has been expressed unanimously by the Sikh community, and was conveyed to His Excellency the Viceroy in India and to Mahatma Gandhi as well when we met him in Delhi. We may not be here representing our community as such in the sense that we are not elected by them, but we do represent a very big section, if not the entire community. In our views, however, we are voicing the feelings of the entire community without a single exception. And the view of the whole community is that our protection ought to be assured before we can be party to any scheme of Provincial autonomy in the Punjab.

Sir P. Ginwala : I suffer from some disadvantages in having to address this Committee. I was among the last to be appointed. I do not claim any long political experience like my other friends on this Committee do, but I do claim two advantages over most of my colleagues. The first is that I belong to a community which is not asking for any special privileges. We are quite satisfied that we shall be able to work in peace and harmony with our fellow country-

men, and we are not putting forward any claims. The second is rather a personal one: I do not belong to any political association. My duties have prevented me from taking any active part in politics for the last many years, and therefore I claim that I am able to take a more detached view of the situation than most of my colleagues here. •

This Committee is concerned with two problems. The first is the question of communal representation, and the second is the safeguarding of minorities. As regards the safeguarding of minorities, we have not really got down to the question, but it is agreed that safeguards should be provided, that they should be adequate and that they should be satisfactory. We have never got really down to what is intended to be accomplished by the provision of safeguards. I take it that at some stage or other this Committee will go into that question.

Meanwhile, there is the question of communal representation. It is no secret on what ground these negotiations fell through. The question of communal representation has two aspects. The first is the representation of the minorities in those Provinces where the Hindus are in a majority. As far as I am able to judge, there is no problem there which will not permit of a satisfactory solution. It appears that the Hindus will retain their majority in those Provinces in which they have a majority but they are willing to give such weightage to the minorities as may be necessary; but the principle is admitted that, in those Provinces where they have a majority, that majority shall be maintained. The difficulty has arisen as regards those Provinces in which the Muhammadans are in a majority.

Now what is the demand of the minorities in those Provinces, particularly the Sikh Community? The demand, as far as I can understand it, is that the majority should either be converted into a minority, or that the majority should be compelled to accept the rights of a minority.

Sardar Ujjal Singh : That is absolutely wrong.

Chairman : I thought that would come, and that is why I was up before Sardar Ujjal Singh himself. I do not think at this moment we should enter into the merits or demerits of the controversy.

Dr. Ambedkar : We are considering Mr. Gandhi's proposition that this Committee should be adjourned *sine die*.

Chairman : Yes, we are considering that proposition, as to what the future action of this Committee should be.

Sir P. Ginwala : Well, Sir, if that is your decision, I have nothing further to say at this stage; but I thought it was common knowledge and I was referring to that as a problem for the further discussion of which this Committee as a whole should give some lead.

Now, Sir, as regards the future, my suggestion is that this Committee cannot run away from the responsibility which it has undertaken, by agreeing to a further postponement and referring this question to some other authority, whether it is a tribunal or a Court of Arbitration or whatever else you like to call it. My view, therefore, is that this Committee should go on with its work; each community should put forward its claim before this Committee, and this Committee must take upon itself the responsibility of judging between the various claims of the communities. If the Muhammadans have a case which they want to put forward, then it must be put before this Committee. My Sikh friends must do likewise. Then this Committee must decide how the claims are to be adjusted. Somebody has got to prepare material. If this Committee is not willing to decide the question, it must prepare materials for somebody else to decide it; but we cannot get away from this, that at some stage or other a decision has to be made. If this Committee does not make that decision, some other authority will have to make that decision. For that purpose let us get down really to the claims, expressed in a definite form, and let us consider how they can be resolved.

The second question is as regards the safeguards. On those points also I suggest that the minorities who are interested in the safeguard should put forward actual claims before this Committee which it can consider for itself. It is no use asking for a postponement or agreeing to one, because I am quite certain that unless we get down to brass tacks very little progress will be made.

Chairman : Well, as regards what has just been said, as those of us who spent a good many hours earlier on in the year know, all that material is before us. There are plenty of brass tacks about; but instead of the brass tacks having their sharp edges into the wood, it is the heads that are lying in the wood and the sharp edges are above. The problem of this Committee is to try to reverse the position of the brass tacks—not to put another half dozen into existence.

Believe me, the regret that has been so sincerely expressed by the representatives who have spoken here to-day is shared in the most whole-hearted way by the representatives of the British Government here. We profoundly regret that no suggestion has been made as the result of those conferences. You know perfectly well that from the very beginning we have pressed and pressed and pressed upon you to come to some agreement amongst yourselves; and that we have done that not because it would help us, but because we have a great sense of your own self-respect; and also that anybody who is going to try and put into definite legal shape the principles of constitutional liberty, which we have in our minds, will find it absolutely impossible to lay down or draft this constitution, or whatever form of words you like to use, unless the communal question has been agreed to, not enforced or made enforceable by a Government to which our friend Mahatma Gandhi would probably at once start some method of passive resistance—not enforce-

able, as I say, in that sort of way, but flowing from your own hearts and the result of your own agreements. That is the thing that we have felt very keenly.

Now, may I appeal to every representative here, to every individual and every representative of sections, not to attribute your common failure to any method by which you have been elected, to your own personal shortcomings? Be honest and face the facts. The communal problem is a problem of fact. Does the problem exist in India or does it not? I do not answer it; I leave you honestly to answer it for yourselves and to yourselves.

Then, if the community problem does exist, how can it be discussed with a view to a settlement, if possible, either in India or here? Now, my Indian friends, you have been brought up on and taught to follow the principles of representative institutions. Supposing the Government of India or the Government here had surveyed India with a blank mind as to what political organisations and political leaders are in India and had said, "We put you all on one side; we do not recognise any of you or any of the organisations which you represent; but we, considering what we imagine to be a sort of mass movement, unorganised very largely, select A and B and C from that mass movement." What would you have said? What would Mr. Gandhi have said? What would Dr. Moonje have said? You would have said that it was one more illustration of how the British Government acts in an arbitrary way.

We did not do that. We believe in democracy, but democracy is not a mere crowd; you must go another step and define your democracy. We believe in representative democracy. There is not a man nor a woman here whose name, whose actions, whose reputation and whose status have been gained independently of organisations. However difficult it may be to get organisations with historical memories of conflicts and so on to come to agreements, I say as a practical politician that you have got to face those difficulties, because you will never solve your problem until you have faced them and until you get your organised masses in agreement with whatever the solution is.

Do not let us go away, therefore, and say it is the composition of this Conference or the way in which you were selected that is to blame for it all. The blame is that the facts are presenting difficulties which you have not yet managed to overcome.

Mr. Gandhi said, quite truly, that the word defeat is not found in his dictionary. Nor is it found in mine; nor, I hope, is it found in yours. You have met with a rebuff. Well, there was a very famous King of my country who met with six very serious defeats, and I would advise you who like to contemplate the mysterious things of nature to go and take his experience into account.

Lying in a cave one day he saw a spider make six attempts to get to the point where it wanted, and it was baffled and failed, and it made a seventh attempt and it succeeded. I do not know how many times you have been baffled in trying to get to an agree-

ment, but do remember that no great achievement has been accomplished at the first, the second or the third attempt, and you had better go on trying to take your own responsibilities upon your own shoulders and see if an agreement can be come to.

There is another point I want to put to you. Will any of you tell me, quite honestly, that the continued existence of this problem unsolved can be overlooked either by yourselves if you were drafting your own constitution or by His Majesty's Government if it were trying to draft a constitution for you? I bring you up against facts. You know perfectly well—especially every one of you who has been in public life and has faced the practical problems of public life—you know perfectly well that whilst this problem is unsolved it puts an enormous obstacle in the way of constitution-making for India, not simply because that constitution must be drafted by His Majesty's Government under present circumstances, but supposing I said to you on behalf of the Government, and supposing Parliament agreed, "Take the business over to yourselves," why, you know perfectly well that you could not go six inches without coming to a deadlock. You could not go six inches without coming up against difficulties, and all those general phrases about your going to settle it in this way or that way—what is the difference between those phrases and what we are doing now? There is no difference at all. His Majesty's Government at the present moment is doing its very best on the lines of those phrases and those aspirations to get you to an agreement; and you have reported to me this morning, and to my colleagues this morning, that you have failed.

Well, what I would suggest is this. Leave me to call the next meeting of this Committee. That is not adjourning *sine die*, I can assure you, but you know that there are certain events going on here—which I am really very sorry to say (and I have felt this all through since you came) are bound not only to take a good deal of my thoughts to themselves but also will necessitate occasional absences from London on my part for the next fortnight or just a little over.

Let us adjourn, and I will call you together again. In the meantime what I would like would be if those of you who are sitting opposite me, the representatives of the small minorities, would also try your hands.

If there are any common agreements among yourselves I would suggest that you circulate them. But I must say this. We cannot here settle the business of the Federal Structure Committee. The Federal Structure Committee must meet itself and decide what it is going to do under certain circumstances, and that will be reported to me, as Chairman of the Conference, in due time, and then we will work at it. But do believe me, we are determined to have a success of this Round Table Conference if you allow us to have that success. It is not the British Government that is going to stand in the way of any agreement. If I disagree a little bit—not very much—with what has been said about what we should do in telling you what we propose to offer, why, my friends, what has

been the promise that we have given you from the very beginning? Has it not been that we would not make up our minds in definite detail until we consulted with you? Do you suggest now that in the middle of this consultation we should break off and then produce a document, and produce proposals? I do not want to do that with you. Who does? You know perfectly well that there is one very serious difficulty in that way. If a Government produces its proposals, well, that is as near a last word as the circumstances of creation will allow anybody to say a last word on anything. Surely you ought to bend all your energies to bringing before us proposals that have been discussed amongst yourselves and discussed with us—proposals which have been examined regarding their real meaning in relation to government; examined regarding the question as to whether they can work or cannot work; because we do not want a constitution which is a machine which will never work at all whatever power you put in behind it, a machine the very mechanism of which means a deadlock. You do not want that. We certainly do not want it.

Therefore what I would like you to have in your minds, after the rather depressing statements to which we have listened, is this: That the British Government wants to go on; the British Government wants you to go on. The British Government will take its action if you cannot go on to an end, because we are determined to make such improvements in the government of India as will make the government of India consistent with our own ideas—as will make the government of India something that is capable of greater and greater expansion towards liberty. That is what we want. I appeal to the Delegates here to-day—Delegates representing all communities—Do not stand in our way; because that is what is happening.

(The Committee adjourned at 12-40 p.m.)

PROCEEDINGS OF THE TENTH MEETING OF THE MINORITIES COMMITTEE
HELD ON FRIDAY, 13TH NOVEMBER, 1931, AT 10 A.M.

Chairman : My friends, I feel that so far as this Committee is concerned we ought now to make our reports to a Plenary Meeting of the full Conference, so that the work may be wound up and so that the Government may be in a position to make, as it did at the end of the first phase of the Conference, a statement of its own position.

We are practically in a position to do that now. Before doing so, the Committees will have to terminate their work and present a Report to the full Conference, and then the Conference may like to make certain observations on behalf of individuals or on behalf of communities. When that is done, the Government will indicate what view it takes of the situation.

As regards this Committee, I am profoundly sorry that a complete agreement has not been reached, because I want to emphasise

what I have said before—and I think everyone of you agrees with it—that at the foundation of any progress towards the setting up of an Indian constitution lies the problem of community representation, community rights, community protection and so on. How the Legislatures are to be constructed, how the constituencies are to be determined and allotted—I am sure none of you can conceive of a constitution being drafted and constructed without that foundation being laid in it.

The work of this Committee, therefore, was from the very beginning of supreme importance, and I am sorry that you have been unable to present to us an agreed plan.

Last night, however, I received a deputation representing the Muhammadans, the Depressed Classes, at any rate a section of the Indian Christians, the Anglo-Indians and the British community. I think that is the complete range. They came and saw me in my room in the House of Commons last night with a document which embodied an agreement that they had come to amongst themselves. They informed me, in presenting the document to me, that it covered something in the region of 46 per cent. of the population of British India.

I think the best thing would be, as we have had no time to consider this, to treat this document as a document which is official to the records of this Committee, and in order that that may be done I shall ask His Highness The Aga Khan formally to present it here, so that it may be entered in our official record.

H.H. The Aga Khan : Mr. Prime Minister, on behalf of the Muhammadans, the Depressed Classes, the Anglo-Indians, the Europeans and a considerable section of Indian Christian groups, I present the document embodying the agreement which has been arrived at between them with regard to the intercommunal problem with which the Round Table Conference in general and the Minorities Committee in particular are concerned. We desire to make it clear that this agreement has been arrived at after careful and anxious consideration of this difficult and complicated problem and must be taken as a whole. All parts of the agreement are interdependent, and the agreements stands or falls as a whole.

Chairman : Unless there are any observations to be made upon the situation, what I propose to do, as Chairman of this Committee, is just to report to the Plenary Meeting that we have failed to come to a complete agreement, to inform the Plenary Meeting that this document has been handed in, and I will, as Chairman of the Committee, again officially hand it in to the Plenary Meeting itself. That will put the whole thing in order, and it will be passed over for the Government to consider the situation.

I do not think I need say anything more myself at this stage. We have all done our best. I have been more anxious than perhaps some of you can imagine that we should succeed in clearing out this fundamental obstacle, but all I can say at the moment is that the

Government will not allow this obstacle to stand in its way in carrying out its pledges to India. I hope that the statement I shall be authorised to make by the Government at the last meeting of the Plenary Session will be such as to assure all of you that the declaration I made to you at the end of the first Session of the Conference holds good, that the British Government's intention is sincere and firm to do to India what it believes is right, and that the detailed intention is precisely what it was when we asked you to come here and when we said a temporary good-bye to you at the end of the first Session.

I believe, my Indian friends, you will find that that is so when the declaration is made; but, of course, the declaration, before it is made, must become the official declaration of the Government. I am not in a position to make that declaration at the moment, but it certainly will be made within the next few days and before we disperse the whole of the programme, the ideas and the intentions of the Government will be made plain.

Sardar Ujjal Singh : Mr. Prime Minister, I have no desire to make a speech or to make any observations at great length. What I want to point out, Sir, is this, that yesterday I, on behalf of us two Sikh Delegates, circulated a small memorandum stating the Sikh point of view and the Sikh demands. I wish that that memorandum should form a part of the proceedings of this Committee.

I beg to present this memorandum formally.

Then, Sir, with regard to this agreement arrived at by some minorities and the Muhammadans, I only wish to say this much : that the representatives of the Sikh community, which is an important minority in the Punjab, were not at all taken into confidence in the discussions and the negotiations which were carried on between the representatives of the Europeans, the Anglo-Indians, the Depressed Classes and the Muhammadans. Sir, it does not reflect the minority point of view. As a matter of fact it only reflects an agreement between minorities of other Provinces and the Muslim majority in the Punjab. I should say it is a tragedy that the minorities of other Provinces, should have made common cause with the majority community of the Punjab and should have dictated terms to minorities in the Punjab. I take strong exception to this, and I say very emphatically that this document does not meet the needs of the situation and is entirely unacceptable to the Sikh community.

I should go further and say, Sir, that it is wrong to suppose that this form of agreement can afford a real solution of the communal problem. An agreement of a so-called 46 per cent. of the population of the minorities is a sort of camouflage. We did not come here to arrive at an agreement on these important questions by majorities or by majority votes. It ought to be an agreement of the various interests concerned. If the various interests concerned cannot come to an agreement, we can only say here that we have failed to come to an agreement. I say it with great regret,

that, in spite of our best efforts, we have not been able to come to an agreement. But I cannot submit to a sort of document which does not take note of the position of the Sikh community in the Punjab, which only seeks to create majority rule, not the type of majority rule that exists in parliamentary countries or in those countries where democratic institutions exist, but a sort of procedure which will establish a permanent rule of one community unalterable by any appeal to the electorate. Based on separate electorates, it seeks to partition India into various compartments. It seeks to establish the rule of one community in the Punjab, a rule entirely of one community in Bengal, a rule of one community in certain other Provinces. It is not democratic rule at all; it is a negation of the democratic principle, the very negation of the parliamentary system. Now, Sir, if you just look into the merits of this document you will find how most unfair this document has been to the Sikhs and other communities who are not a party to this alliance.

Turning to the figures given in the table at the end of this document you will find that the Muslim minority in the various Provinces is given heavy weightage in their representation in Provincial Councils. In Bihar and Orissa, with 11 per cent. of population they have a representation of 25 per cent., i.e., 130 per cent. weightage; in the United Provinces with 14.8 per cent. population they are given 30 per cent. representation, i.e., 110 per cent. weightage; and in the Central Provinces with 4.4 per cent. population they are given 15 per cent. representation, i.e., 250 per cent. weightage. The Anglo-Indian minorities, with a population of .02 per cent. in the Punjab are to get as much as 4,000 per cent. weightage. The Europeans are given weightage varying from 3,000 per cent. to 9,000 per cent. in different Provinces. This is a sort of alliance to share a booty taken from other people. They have no right to dictate terms to the minorities in the Punjab, but they have made an alliance whereby they get an advantage of 9,000 per cent.

Sir, I strongly object to this sort of treatment meted out to my community, and I say that this document, far from making it possible for us to come to an agreement amongst ourselves, will make a solution of this most important problem almost impossible. It seeks to encourage those who have been most unreasonable; it seeks to encourage the communities who have in fact stood out against India's advance to stick to their demands, and it will in that way make a solution of this problem almost impossible.

Chairman : May I draw your attention to one point so that the discussion may not proceed on unreal lines? The statement I made to you was this, that the Report which I make to the Plenary Session is not in favour of any of the documents which have been handed in, neither Sardar Ujjal Singh's document nor the other. The Report I make to the Plenary Conference, I regret very much to say, is that we have failed to come to an agreement. In the discussions that may proceed, will speakers please keep that fact in mind?

Sir Provash Chunder Mitter : I have submitted three memoranda with regard to Bengal, and I desire that they may form part of what is submitted.

Dr. Ambedkar : We too, have circulated memoranda which we would like to be part of the proceedings.

Raja Narendra Nath : I also submitted on the 4th November schemes with regard to the Hindu minority, and I should like that document also to go forward. So far as the agreement produced before us is concerned, I fully support the remarks made by Sardar Sahib Ujjal Singh.

Mr. Joshi : On behalf of Labour I also wish to present a statement which has the support of my two colleagues, Mr. Shiva Rao and Mr. Giri, setting forth the point of view of Indian Labour on this question.

I should like to make one comment on the document which has been circulated by what are called the minority communities, and that comment refers to the last page of the document in question, where in paragraph 4 it is said:—

“No representation is provided for Commerce, Landlords, Industry, Labour, etc., it being assumed that these seats are ultimately communal and that communities desiring special representation for these interests may do so out of the Communal Quota.”

Mr. Prime Minister, I cannot agree to the statement that these interests are ultimately communal. So far as the Labour interest is concerned, I have always maintained not only on behalf of Hindu Labour, Christian Labour or Muslim Labour, but on behalf of all Labour, that its interests are not communal in the sense that they have anything to do with religion or with race. I maintain on behalf of all the workers in India that their interests are economic interests and have nothing to do with religion or race.

I therefore feel that the signatories to this document have not done justice to the workers in India, either the Hindu workers or the Muslim workers or the workers belonging to the Depressed Classes. They say: “communities desiring special representation for these interests may do so out of the Communal Quota,” but it is not a question of the Muslim community or the Hindu community or the Christian community desiring to protect the interests of the Muslim workers or the Christian workers or the Hindu workers. It is the workers as a whole who demand that their interests shall receive proper consideration and proper protection.

We therefore do not agree with the proposals made in this document, because we feel that even if the communities agree to give representation to the workers on a religious or racial basis, that will necessitate the division of our organisations on the basis of religion or on the basis of race. We are not prepared to have our organisations broken up on the basis of religion or on the basis of race. We would desire, Mr. Prime Minister, that the representation to be

given to Labour should be given to Labour as a whole, so as to enable us to maintain our organisations in a position of strength and solidarity, based on economic interests alone.

We will gladly forego, if it becomes necessary, our special claims, if people force us to divide our ranks on the basis of religion or race. We will keep up our organisations and forego the special representation which may be given to us on the basis of religion or race. If Labour is strong, Labour will get its due by the strength of its organisations, even without special representation in the Legislatures. I therefore wish to make it quite clear on behalf of the workers that we are not willing to have our ranks divided in order to get special representation in the Legislatures.

Dr. Datta : I very greatly regret to have to inflict myself on this Committee. I hope the proceedings will be short this morning, but unfortunately I find myself in a very difficult position. There has appeared in the Press this morning a notice regarding this agreement which has been reached between certain minorities, and the post this morning brought to me the record of the text of this agreement. I have not yet had time, however, to study it.

I myself am supposed to be one of the representatives of the Indian Christian community and I should like to say that I find myself in disagreement with this method of approach to the problem. I am a newcomer to this Committee; having been appointed only last September, and, being a member of this Committee, I have had only two occasions when I might have had an opportunity of stating my views.

In the first place, I believe that a religious community can ask for only two things in the matter of protection. It can say that it wants freedom for worship, and the other thing it can say is, "We desire that we should not be discriminated against because of our religion." Those, and those alone, are the demands we can make in the name of a religious community—nothing more. In the second place, I feel that this fragmentation of India into religious communities is going to have the most disastrous results on our future. I have seen it growing. I have seen the demand growing, and it has been growing ever since 1906, as far as I know, and every time the constitution has been changed this principle has been widened; more and more people have come into it. I came, during 1918, into friendly touch with Lord Southborough, who was going out to India as head of the Franchise Committee, and I happened to travel part of the way with him. I remember on that occasion making the plea that this principle should not be extended to the Christian community in India. I had hoped that he would have resisted it. It was actually accepted for the Madras Presidency, a certain number of seats being reserved for the Christian community, but in no other part of India. On this occasion the demand comes that that should be applied to other parts of India also, and I find myself, unfortunately, in disagreement with my colleague who, I may say, has treated me extremely generously. We

differ fundamentally on the matter of principle. There is nothing personal between us in this matter at all.

Sir, I wonder whether we can ever get agreement as far as we are concerned on these claims, such as communal representation and the figures of weightage. I do not think we can possibly get it. The demands that have been made to my mind in many parts of India have been preposterous, and I feel that I must dissociate myself from them.

Then, Sir, there is another matter to which I would bring your attention specially. There are some of us in India who have been brought up with a fierce belief in voluntarism in religion, and you will sympathise with me, Sir, in that. I believe that there is an infringement of my rights when the State says to me, "You shall vote in a particular constituency." What if I say I have got no religion? Does not mean I am going to be disenfranchised? I shall have no vote. It is perfectly open to me in India to return myself in the census as having no religion. I lose my vote. I cannot be elected to the Legislature. Supposing a Christian member of the Legislature, for private and personal reasons, did become a Muhammadan, would he then vacate his seat? He probably would, even as an undischarged bankrupt or a person who had committed a felony would be compelled to vacate his seat, on the same grounds and for the same reasons; and I want to protest against that.

There is one other matter which makes it even more serious. I say that the Muhammadans are entitled to respect in their demands. In certain parts of India they are the majority, and we do not want them to be turned into a minority, I quite agree. I feel that there is substance in that demand. Now, what have we done? We have gone to this large community—which sometimes, I feel, though a quantitative minority, often acts as a qualitative majority—and we have said to them, "Here, will you protect us in our interests?" The situation is quite different in the Madras Presidency. Let those communities which have fears—the Muhammadans, the Christians, all the small minorities in the Madras Presidency—come together, and let them try the idea of a common electorate among themselves to protect their interests.

In North India the position is reversed. There you have a Muslim majority in the Provinces of Bengal and the Punjab—the two Provinces which I know best. If I may say so, we have discovered that it is not possible for the Muslim community to protect our interests. Shall we then be compelled to throw ourselves back on the Hindus? Ought not negotiations in those Provinces to be taking place between the Hindus and ourselves, and in other Provinces between the Muhammadans and ourselves? It seems to me that the whole relationship is very artificial.

Therefore, Sir, in conclusion I wish to say that I disapprove. I mean to say I am afraid I cannot accept this particular arrangement. I am sorry to find myself in that position. I might have

been willing to negotiate—shall I say—purely on the question of some sort of method by which the smaller communities could have been distributed according to their economic interests. Therefore I support Mr. Joshi. There is no difference between a Christian working-man who drives an engine or puts a rivet into a rail and a Muhammadan doing the same work. I believe Mr. Joshi's method is far sounder than any other method which has been found to date, and I, for one, would be willing to support Mr. Joshi.

Secondly, I want to make it quite clear that, as far as I am concerned and the portions of the community whom I represent, we shall not consider ourselves bound by any agreement that has been arrived at. I want to say that emphatically and clearly. But I would like to add this personal remark, that the relations between me and my colleague are not in the least degree strained; we have both stood for definite principles and we have agreed to disagree on those two things.

Sir Henry Gidney : Mr. Prime Minister, before I make a few remarks on this matter, I should like to tell you that on the 19th January of this year I presented a Declaration of Rights for all minorities, as also the Anglo-Indian community, embodying almost the entire principles underlying the memorandum we have submitted to-day. And, Sir, I would like, with your permission, to represent that document so that it may form a part of the proceedings of the Conference, which it does not at present.

Sir, it is very unnecessary for me to enter into any details as regards that memorandum. We are all in agreement. But I do wish to state here and now that we have taken, I think, every means of getting the Sikhs and other minorities to join us in this memorandum. Indeed, I go so far as to say that I personally have had many consultations with the Sikh member, and the Sikh member was in possession of our memorandum about three or four days ago. I am sorry that our Sikh brother has not been able to agree to the memorandum, and that he has taken such serious objection to the weightage and the protection for which we, as minorities, have thought it fit to ask.

When we started these proceedings with a view to coming to some unanimous agreement, it was Dr. Datta and I who visited His Highness The Aga Khan at his residence. This was the result of a formal meeting some of us had at Mahatma Gandhi's office; and I do believe, if my memory serves me right, that Dr. Datta was in agreement with me that if we could only come to some amicable terms of arrangement with the Muhammadans, the minorities would feel some sense of protection.

Dr. Datta : I do not agree with that.

Sir Henry Gidney : I am sorry that Dr. Datta should now take a different line. Speaking for the small minority I represent, I am pleased to say we have come to an agreement. I am pleased for two reasons. One is that this memorandum in the main embodies the Declaration of Rights that I submitted last year to this Confer-

ence, and secondly, because we, the minor minorities, have received from the Muslim community unmistakable evidence of a high sense of loyalty and attachment to us in our needs, and I take this opportunity to offer to them on behalf of the other minorities our grateful thanks for their loyalty and adhesion to us during these very difficult proceedings.

Raja Narendra Nath : They were secret meetings.

Sir Henry Gidney : There has been no secrecy about these meetings. All the minorities were able to come to the meetings. Many of them knew they were being held, and the mere fact of their keeping out shows that the problem as far as they were concerned was insoluble, while as far as we were concerned, it was soluble. We have made a serious effort to get together, Sir, and we have presented you with a document which I believe represents the views of a very large section of the Indian population.

Last year, when this combined action of the minorities was suggested by me, it was not accepted. This year, we have to thank the statements made at this Conference for refusing to recognise the minorities in any settlement, and that has bound us together, and we now feel we have a common tie uniting us. We have presented this to you with the earnest desire that you, Mr. Prime Minister, and the Cabinet, will give it serious consideration.

Sir Hubert Carr : I should like to explain the remark made by Sardar Ujjal Singh. I think he has got an entirely wrong view of the memorandum we handed to you. There was no question, so far as I know, from the beginning of the negotiations which led to this common agreement, of dictating to any community or laying down for any community what that community should want. What we have done was brought about very largely by the failure of the informal Committee which sat under the chairmanship of Mr. Gandhi, and really I have to thank Mr. Gandhi for his share in bringing the minorities together. It was the refusal to allow us to send our representatives through separate electorates to the Legislatures of India and the Provinces which made it essential for us to get together.

You have yourself said, Sir, that in order to make this constitution workable and acceptable all parties must have confidence in it, and several of the smaller minorities, as well as my own, know perfectly well that, unless we have separate electorates, we cannot send our chosen representatives to the Parliaments of India, and consequently we shall not have that full confidence which we want to secure. Nobody sitting at this table can have followed the argument regarding separate electorates and joint electorates without feeling the force of the statement that in order to get full development of India you will finally come to joint electorates, and I would ask members to see that in our memorandum we have not attempted to cut India up into water-tight compartments on a permanent basis, but we have taken it recognising the realities of the position to-day, deplorable as they may be, that there is tremendous distrust dividing the different communities small and

great. We are recognising in this memorandum those differences. We are accepting them temporarily, and we are trying to overcome those difficulties by getting together and putting forward a scheme whereby for 10 years we shall have a chance of sending up our chosen representatives.

They will get round the table, and I ask those who are the chief critics of this scheme whether they really think that when all of us get round the table, with big national questions before us, in ten years those questions will not do much to cut across the communal differences. I claim that, far from making water-tight compartments in India, we have made a definite constructive suggestion for getting away from the present difficulties and moving towards the unity of India later.

Now, in doing so there has been no question of loot. I do not suppose for one moment that in trying to arrange the percentages amongst people who sometimes wanted a 140 per cent. out of 100 we have been able to satisfy everybody, but I do claim that the figures put forward are reasonable.

Now, my friend, Sardar Ujjal Singh, accused me and my community of taking 9,000 per cent. weightage. I have not worked it out, but if his figures are correct he should mention that in the past we had 12,500 per cent. weightage, so that we have given up 3,500.

On the other hand, so far as the Sikhs in the Punjab are concerned, we have increased their weightage by 54 per cent. from what they enjoy at present, in an effort to try to meet them. I am not suggesting they will agree with what we have done. In my discussions with them they have suggested that it is quite impossible for them to agree on any basis where the Muhammadan is in the majority, even though he is in the majority of the population. I do claim, however, that the suggestion we have made is not entirely unreasonable.

There is only one other point with regard to which I should like to give an answer to my friend, Sardar Ujjal Singh. If I heard him rightly, he suggested that in Bengal and the Punjab the whole country was being put permanently into the hands of the Muslim majority. I can only ask whether it is possible that any country is going to be ruled for very long by a majority of one. The Muhammadans get only 51 per cent. under our suggestions in each Province.

I do not think I have anything else to add. The memorandum, as I see it, is not entirely exhaustive; for instance, we have not touched on the question of Second Chambers, which, many have suggested, may form a suitable arrangement in various Provinces; but these Second Chambers would be in conformity with the lines which we have suggested as a fair distribution of representation among the various communities.

I ask this Committee to accept it that I am not speaking only for myself here; I know I may speak for the other minorities,

with whom I have had the pleasure of working, when I say this is considered to be, and meant to be by us, a constructive suggestion for overcoming the present deplorable deadlock which, when we last met, was considered so insuperable that it was suggested the Committee should be adjourned *sine die*.

Dr. Moonje : Sir, the document that was presented by His Highness The Aga Khan to this Committee this morning reached my hands only a minute or two before I was due to leave for the meeting of this Committee. I am not, therefore, at present in a position to make any kind of statement or any kind of comment on the details of the scheme, but, from the remarks that I have heard here, it seems the chief characteristic of that document appears to be separate electorates and weightage, to which what qualification I could apply at this time I am at a loss to know, because it has been calculated that a weightage of 3,000 times has been given in some cases and 9,000 times in others. I am not in a position, therefore, to say what the percentage weightage is, but I can quite understand that the two points on which that document is based are separate electorates and an excessive amount of weightage. I think it may be well to make the position of the Hindu Mahasabha quite clear. The Hindu Mahasabha will never agree to separate electorates and they will never agree to any weightage being given from the Hindu community.

The third point that has been made clear from the remarks is that the document says a communal government by a communal majority by law should be established in two Provinces, the Punjab and Bengal. To that the Hindu Mahasabha will not agree. Unfortunately it seems that it has entirely passed out of their minds that the Hindus in Bengal and the Punjab also form a minority community, and therefore deserve some kind of protection. These are matters of detail which I have not been able to study from the document, and therefore I cannot say more at this stage.

A statement of the position of the Hindu Mahasabha was presented last time in this Conference. Unfortunately it was not published in the reports, probably through an oversight, but a promise has been given to me that it will be published in whatever reports may be issued later. I therefore represent the same statement of the Hindu Mahasabha for publication in the Report, and I take advantage of the opportunity you have given us of handing in a supplementary statement to this statement.

To these few words I have nothing more to add.

Mrs. Naidu : Mr. Prime Minister, I do not wish to detain this Committee very long, but only to say one or two words. You are aware that among other things I am the official representative of the women's organisations in this assembly, and I wish to strike a pleasant note in the midst of many discordant ones. Where so many communities representing minorities have asked for special or separate protection, I have a proud mandate from a large section of the women of India, who not only disclaim any special protection,

concession or favour, but have ordered me to resist any demand for any concession, have ordered me in their name to refuse to accept any indirect or direct means of preferential treatment, no matter how influential or illustrious the support it might receive from the mere men in this Committee. It is alleged—I do not know how accurately—that my great leader, Mahatma Gandhi, is among those mistaken people who are willing to give a chivalrous assurance to the weak-kneed women of India that they will give support to them in any claim they may make for indirect concessions. I have great pleasure in resisting his claim to represent the women of India in any way. In this matter he must take my guidance and not I his. I therefore wish it to be noted, on behalf of the three great organisations which I represent, and which make claim to represent the collective view of the women of India who are engaged in public work of any kind, that they will not accept any concession in the way of co-option, nomination or reservation of seats.

My colleague Mrs. Subbarayan, has, I know, issued a very able minority memorandum which I am sure you will duly consider. We have already circulated the memorandum on behalf of the organised public opinion of the women of India, which I am sure the Government will also consider. And, without taking up your time any further, may I ask that you will record my claim on behalf of the women of India, that they do not wish to complicate the issues in any fashion, but to set an example by disclaiming any effort to give them preferential treatment because of their sex? We do not wish for sex discrimination either against or on behalf of the women of India.

The Nawab of Chhitari: Sir, a confession of failure is humiliating indeed, and it is true, as you mentioned, Sir, that we have not been able to come to a complete solution of the communal problem. Standing here to-day, I do not wish to say anything on behalf of the Muhammadans. My respected leader, His Highness The Aga Khan, has put forward the agreement arrived at between Muhammadans and some other communities. Having made that quite clear, I want to submit that the communal differences, when one looks at them carefully, are not quite so formidable in reality as they appear to be outwardly. His Highness The Aga Khan in presenting this Conference with an agreement has shown that it is backed up by 45 per cent. of the community. If we read the resolution of the Working Committee of Congress on the communal question together with the resolution of the All Parties Muslim Conference—I do not wish to refer to any private negotiations—we find that a careful scrutiny will show that in fact the differences are not quite so wide as would at first sight appear. The points of difference have been narrowed down very much.

My special purpose in speaking to-day is to put forward the case of another small class, if not a community. I mean the landlords. I wish to submit that during the last year conditions have arisen in India which have caused the owners of the land a good deal of alarm. There was agitation which was of course due to

economic troubles; but at the same time certain phases of the unrest were such that they caused them a lot of anxiety, and the British Indian Association has passed a resolution asking landlords at the Round Table Conference to beg the Minorities Committee to insist that in the Fundamental Rights a guarantee for the right of private property should also be included. In the Nehru Report this guarantee was given and I see nothing against it. I do not demand it only for the landlords. In fact, it is essential for everybody who possesses anything in the country that his position as to his property should be guaranteed. That is the only point that I wanted to make on behalf of the landlords here. I may put their case about other safeguards on some other occasion, as I do not think the Minorities Committee has anything to do with the constitution of the future Government, as to whether it should be bicameral or unicameral.

Begum Shah Nawaz: Prime Minister, last year in your concluding speech you said that we had spoken here subject to reconsideration and subject to the reaction our public opinion would show to our work. When I went back to my country I was surprised to find that the proposals that Mrs. Subbarayan and I had put before you on behalf of our country-women were not acceptable to them. Women belonging to almost all castes, creeds and sections said that they were not prepared to accept any special qualification or allocation of seats. Wherever I went, in Bombay, in Delhi, in Lahore, in Simla, in Mussoorie, Aligarh and Ambala, almost all the women—at least 90 per cent. of the educated classes—said to me that in asking for these special qualifications in our proposals we had not asked for what they wanted us to secure for them. As you are aware, last year we did not come with any mandates, and in consultation with some of our sisters here we put forward those proposals. But representative meetings have now been held almost all over the country, and especially in Bombay and Lahore, and we have been asked to place before you this memorandum which has been circulated to the members of this Committee on behalf of the women in India. I have to submit for your consideration, Sir, that most of the women of my country belonging to all classes will not accept any special treatment or qualification which means a position of sex inferiority. This is the mandate we have brought and this is what I place before you. I am an original member of the All-India Women's Conference; I have also been serving on our Provincial Organising Committee for the last five or six years, and I was presiding at the Western Punjab Conference only last April. Therefore, it is my duty, rather my pleasant duty, to say to you that we, the women of India, ask that there shall be no disqualification of sex with regard to our civic rights.

Sir Chimanlal Setalvad: I beg leave to occupy a few moments of the Committee's time on behalf of those who sit with me at this corner of the table. We are not in any sense communal. We do not belong to any communal organisation. We belong to a political group which is more interested in the political advance of the

country, and being such a group, we venture to submit that the course you have indicated for the future sittings of the Plenary Session is not calculated to serve the end for which we have all assembled here. It involves this, that the Federal Structure Committee will practically come to an end. We shall not further proceed to the consideration of the vital questions of Finance, Defence, and other constitutional matters. The Plenary Session will be held, and after a general talk we shall disperse. It is much to be regretted that this is going to be the end of this Conference, which has been looked to in the whole of India with very anxious eyes. All the expenditure involved in all the Delegates coming overseas last year and this year will practically end in nothing. We venture to submit, therefore, that instead of taking the course you are indicating, namely, to report to the Plenary Session a failure, to stop the further work of the Federal Structure Committee, to stop in fact all discussions with regard to Financial Safeguards, Defence, the Army, and other vital constitutional questions—instead of this, that you, Sir, the Prime Minister, should decide the difficulties of the communal question and report your decision to the Plenary Session, which need not be called as early as you have indicated, but a little later, so as to allow the Federal Structure Committee to deal further with the essential and vital questions with regard to which the whole of India is concerned.

Nor should you, Mr. Prime Minister, feel any hesitation in taking on yourself the burden and the responsibility of deciding the communal problem, because when we began last year, as you are all aware, failure in this direction was not unanticipated. We put forward our best efforts, both last year and this year; and, when you come to the merits of the difficulties that have arisen from the communal question, I think there is considerable misapprehension existing in the minds of many people. It is made to appear as if all these communities are disagreed on almost every point, that they are hopelessly at logger-heads. That is, I submit, far from the truth. If we properly analyse the situation, I venture to say that we shall find that the points of disagreement are much fewer than the points of agreement.

Take, for instance, Mr. Prime Minister, the real and vital protection that the minorities require—protection for their religion, protection for their culture, a proper place for their members in the Services, and so on. With regard to these matters, various formulas were thrashed out last year and practically agreed to, and I find in the statement which His Highness The Aga Khan has submitted some of those formulas have been adopted verbatim.

If, therefore, we have regard to the essential and vital protection that the different communities need, we shall find that there is considerable agreement amongst the members of the Conference. The difference, as I have ventured to point out in the note which I have circulated to the members of this Conference, can really be narrowed down to the difficulty which exists and which has to be faced with regard to the Punjab and with regard to Bengal.

It should not prove impossible to find a solution for that difficulty. It should not be difficult, to my mind, for you, Mr. Prime Minister, with all the experience and knowledge of political affairs that you have gained in your varied life, and knowing intimately, as you do now, the minds of the people assembled here, to come to a decision which may be fair and impartial to all concerned on the question of the Punjab, and on the question of Bengal; and, if you solve that, everything will practically be solved. . . .

I do, therefore, appeal to you, Mr. Prime Minister, and I hope and believe that all the parties concerned will acquiesce in the idea that whatever points of difference are left or still exist between the various communities may be left to your judgment and decision. I do not think that any party should have any hesitation in entrusting that decision to you, having confidence in your political sagacity and impartiality.

As I say, in view of events since last year, and of all the study of the details and intricacies of this problem, it should not take very long for you, Sir, to come to a rough and ready decision. I implore you, therefore, to adopt that course if my brother Delegates here will support my suggestion, that instead of throwing away all the work that has been done all this time, and bringing the Federal Structure Committee's work to an abrupt ending, as will be the case, and leaving unsolved and unconsidered the vital problems of constitutional advance in the country, the communal difficulty may be solved in the manner I have suggested, Mr. Prime Minister, by yourself taking upon you the burden and the responsibility of giving a decision which everyone must accept. Having done that, proceed with the work of the Federal Structure Committee as originally intended, go through all the vital constitutional questions that are awaiting solution, and then call the Plenary Session to approve of that Report of the Federal Structure Committee.

What I mean, Sir, is that this session of the Conference should not end without achieving what you started last year to achieve. Let us, before we disperse, have the main features of the constitution hammered out, let us have the framework of the constitution settled in a manner satisfactory both to India and to England.

As I have said, as regards communal difficulties, if we really and properly analyse them, they can be reduced to a very narrow compass indeed, and in a spirit of generous give and take it should not be impossible to arrive at a solution even now. We have tried, and we have failed, in a manner which nobody can help regretting, but, as I say, at this stage, in order to save the work of the Conference, in order to secure to India at an early stage the constitution that everybody wants and hopes for, the only course which is feasible is that this question of the minorities and the communal question should now be decided authoritatively by you, Sir, the Prime Minister, and that then the work of the Federal Structure Committee should proceed.

Mrs. Subbarayan: Mr. Prime Minister, I do not want to take up much of the time of the Committee. Acting on the

suggestion that you made at our last meeting, I circulated a memorandum to this Committee on the subject of women's representation in the Legislatures. Briefly, it states the proposals that the women's delegation put forward last year; only I have made slight modifications to meet the divergencies of view among the women in India.

I regret very much that there is a difference of view among the women of India, and even among the women's delegation, but I think it is not strange to meet with differences of view among thinking women, just as there is difference of opinion among thinking men.

Mrs. Naidu and the Begum Shah Nawaz have explained to the Committee the claims, or rather the denial of any claims, put forward by the three important women's organisations in India, but I cannot admit the claim that their memorandum is supported by the whole womanhood of India, by women of all classes and communities. I know that there is a large body of educated women, women who have had practical experience of social, educational and political work in India, who do not support the memorandum issued in the name of these three women's organisations in India, but who feel that it is necessary to have some method to ensure the presence of women in our first few Legislatures under the new constitution, and these women have asked me to press this claim at this Conference just as I did last year.

Besides, it has been pointed out to me that this memorandum has not been fully considered by all the branches of these organisations. One of the organisations expressed a view different from the view expressed in this memorandum about two months before the memorandum was issued. And my friends who think like me feel that if the different aspects of the question are presented to these organisations they might modify their views.

Prime Minister, those who feel like me and have urged me to press this claim, agree with the women's organisations and my two colleagues here as regards principles. We do want equality; but at the same time we fear that the equality which may be given to us in the constitution may be, for some time at least, equality only on paper and not equality in actual practice. We feel that there is some confusion as to equality of opportunity and equality of rights. Equal political rights will not necessarily give women equal chances in open elections. We therefore feel that it is absolutely necessary that some method should be devised to ensure the representation of women on the Legislatures.

My friends, like me, Prime Minister, are realists; when we think of an ideal and are very anxious to achieve that ideal, we also think of practical steps to achieve that ideal, and do not allow ourselves to be swayed by mere sentiment and theories. Lastly, in putting forward this claim on behalf of those women and myself, we think not only of the interests of women but also of national interests in general, as we firmly believe that it is essential for our

Legislatures to have the co-operation of women in the interests of national progress.

With these few words, Prime Minister, I would formally request you to accept the memorandum that I had the privilege of circulating to the Committee and the Conference as an official document for the favourable consideration of the Committee and the Conference.

Mr. Gandhi: Prime Minister, and fellow Delegates, it is not without very considerable hesitation and shame that I take part in the discussion on the minorities question. I have not been able to read with the care and attention that it deserves the memorandum sent to the Delegates on behalf of certain minorities and received this morning.

Before I offer a few remarks on that memorandum, with your permission and with all the deference and respect that are your due, I would express my dissent from the view that you put before this Committee, that the inability to solve the communal question was hampering the progress of constitution-building, and that it was an indispensable condition prior to the building of any such constitution. I expressed at an early stage of the sittings of this Committee that I did not share that view. The experience that I have since gained has confirmed me in that view; and, if you will pardon me for saying so, it was because of the emphasis that was laid last year and repeated this year upon this difficulty, that the different communities were encouraged to press with all the vehemence at their command their own respective views.

It would have been against human nature if they had done otherwise. All of them thought that this was the time to press forward their claims for all they were worth, and I venture to suggest again that this very emphasis has defeated the purpose which I have no doubt it had in view. Having received that encouragement, we have failed to arrive at an agreement. I therefore associate myself entirely with the view expressed by Sir Chimanlal Setalvad, that it is not this question which is the fulcrum, it is not this question which is the central fact, but the central fact is the constitution-building.

I am quite certain that you did not convene this Round Table Conference and bring us all six thousand miles away from our homes and occupations to settle the communal question, but you convened us, you made deliberate declarations that we were invited to come here, to share the process of constitution-building, and that before we went away from your hospital shores we should have the certain conviction that we had built up an honourable and a respectable framework for the freedom of India, and that it awaited only the imprimatur of the approval of the House of Commons and the House of Lords.

Now, at the present moment, we are face to face with a wholly different situation, namely, that because there is no communal settlement agreed to by us there is to be no building of the constitu-

tion, and that as a last resort and as the last touch you will announce the policy of His Majesty's Government in connection with the constitution and all the matters that may arise from it. I cannot help feeling that it would be a sorry ending to a Conference which was brought into being with so much trumpeting and with so much hope excited in the minds and in the breasts of many people.

Coming to this document, I accept the thanks that have been given to me by Sir Hubert Carr. Had it not been for the remarks that I made when I shouldered that burden, and had not it been for my utter failure to bring about a solution, Sir Hubert Carr rightly says he would not have found the very admirable solution that he has been able, in common with the other minorities, to present to this Committee for consideration and finally for the consideration and approval of His Majesty's Government.

I will not deprive Sir Hubert Carr and his associates of the feeling of satisfaction that evidently actuates them, but in my opinion what they have done is to sit by the carcase, and they have performed the laudable feat of dissecting that carcase.

As representing the predominant political organisation in India, I have no hesitation in saying to His Majesty's Government, to those friends who seek to represent or who think they represent the minorities mentioned against their names, and indeed to the whole world, that this scheme is not one designed to achieve responsible government, but is undoubtedly a scheme designed to share power with the bureaucracy.

If that is the intention—and it is the intention running through the whole of that document—I wish them well, and the Congress is entirely out of it. The Congress will wander no matter how many years in the wilderness rather than lend itself to a proposal under which the hardy tree of freedom and responsible government can never grow.

I am astonished that Sir Hubert Carr should tell us that they have evolved a scheme which, being designed only for a temporary period, would not damage the cause of nationalism, but at the end of ten years we would all find ourselves hugging one another and throwing ourselves into one another's laps. My political experience teaches me a wholly different lesson. If this responsible government, whenever it comes, is to be inaugurated under happy auspices, it should not undergo the process of vivi-section to which this scheme subjects it; it is a strain which no Government can possibly bear.

There is the coping stone to this structure, and I am surprised, Mr. Prime Minister, that you allowed yourself to mention this as if it was an indisputable fact, namely, that the proposals may be taken as being acceptable to well over one hundred and fifteen millions of people, or about 46 per cent. of the population of India. You had a striking demonstration of the inaccuracy of this figure. You have had, on behalf of the women, a complete repudiation of special representation, and as they happen to be one-half of the

population of India, this 46 per cent. is somewhat reduced, but not only that: the Congress may be a very insignificant organisation, but I have not hesitated to make the claim, and I am not ashamed to repeat the claim, that the Congress claims to represent 85 per cent. or 95 per cent. of the population not merely of British India but of the whole of India.

Subject to all the questions that may be raised, I repeat the claim with all the emphasis at my command that the Congress, by right of service, claims to represent that population which is called the agricultural population of India, and I would accept the challenge, if the Government were to issue the challenge, that we should have a referendum in India, and you would immediately find whether the Congress represents them or whether it does not represent them. But I go a step further. At the present moment if you were to examine the register of Congress, if you were to examine the records of the prisons of India, you would find that the Congress represented and represents on its register a very large number of Muhammadans. Several thousand Muhammadans went to goal last year under the banner of Congress. The Congress to-day has several thousand Muhammadans on its register. The Congress has thousands of Untouchables on its register. The Congress has Indian Christians also on its register. I do not know that there is a single community which is not represented on the Congress register. With all deference to the Nawab Sahib of Chhitari, even landlords and even mill-owners and millionaires are represented there, I admit that they are coming to the Congress slowly, cautiously, but the Congress is trying to serve them also. The Congress undoubtedly represents Labour. Therefore this claim that the proposals set forth in this memorandum are acceptable to well over one hundred and fifteen millions of people needs to be taken with a very great deal of reservation and caution.

One word more and I shall have done. You have had presented to you and circulated to the members, I hope, the Congress proposal in connection with the communal problem. I venture to submit that of all the schemes that I have seen it is the most workable scheme, but I may be in error there. I admit that it has not commended itself to the representatives of the communities at this table, but it has commended itself to the representatives of these very classes in India. It is not the creation of one brain, but it is the creation of a Committee on which various important parties were represented.

Therefore you have got on behalf of the Congress that scheme; but the Congress has also suggested that there should be an impartial arbitration. Through arbitration all over the world people have adjusted their differences, and the Congress is always open to accept any decision of an arbitration court. I have myself ventured to suggest that there might be appointed by the Government a judicial tribunal which would examine this case and give its decision. But if none of these things are acceptable to any of us, and if this is the *sine qua non* of any constitution-building, then I say

it will be much better for us that we should remain without so-called responsible Government than that we should accept this claim.

I would like to repeat what I have said before, that, while the Congress will always accept any solution that may be acceptable to the Hindus, the Muhammadans and the Sikhs, Congress will be no party to special reservation or special electorates for any other minorities. The Congress will always endorse clauses or reservations as to fundamental rights and civil liberty. It will be open to everybody to be placed on the voters' roll and to appeal to the common body of the electorates.

In my humble opinion the proposition enunciated by Sir Hubert Carr is the very negation of responsible Government, the very negation of nationalism. If he says that if you want a live European on the Legislature then he must be elected by the Europeans themselves, well, Heaven help India if India has to have representatives elected by these several, special, cut-up groups. That European will serve India as a whole, and that European only, who commands the approval of the common electorate and not the mere Europeans. This very idea suggests that the responsible Government will always have to contend against these interests which will always be in conflict against the national spirit—against this body of 85 per cent. of the agricultural population. To me it is an unthinkable thing. If we are going to bring into being responsible Government and if we are going to get real freedom, then I venture to suggest that it should be the proud privilege and the duty of every one of these so-called special classes to seek entry into the Legislatures through this open door, through the election and approval of the common body of electorates. You know that Congress is wedded to adult suffrage, and under adult suffrage it will be open to all to be placed on the voters' list. More than that nobody can ask.

One word more as to the so-called Untouchables.

I can understand the claims advanced by other minorities, but the claims advanced on behalf of the Untouchables, that to me is the "unkindest cut of all." It means the perpetual bar-sinister. I would not sell the vital interests of the Untouchables even for the sake of winning the freedom of India. I claim myself in my own person to represent the vast mass of the Untouchables. Here I speak not merely on behalf of the Congress, but I speak on my own behalf, and I claim that I would get, if there was a referendum of the Untouchables, their vote, and that I would top the poll. And I would work from one end of India to the other to tell the Untouchables that separate electorates and separate reservation is not the way to remove this bar-sinister, which is the shame, not of them, but of orthodox Hinduism.

Let this Committee and let the whole world know that to-day there is a body of Hindu reformers who are pledged to remove this blot of untouchability. We do not want on our register and on our census Untouchables classified as a separate class. Sikhs may

remain as such in perpetuity, so may Muhammadans, so may Europeans. Will Untouchables remain Untouchables in perpetuity? I would far rather that Hinduism died than that untouchability lived. Therefore, with all my regard for Dr. Ambedkar, and for his desire to see the Untouchables uplifted, with all my regard for his ability, I must say in all humility that here the great wrong under which he has laboured and perhaps the bitter experiences that he has undergone have for the moment warped his judgment. It hurts me to have to say this, but I would be untrue to the cause of the Untouchables, which is as dear to me as life itself, if I did not say it. I will not bargain away their rights for the kingdom of the whole world. I am speaking with a due sense of responsibility, and I say that it is not a proper claim which is registered by Dr. Ambedkar when he seeks to speak for the whole of the Untouchables of India. It will create a division in Hinduism which I cannot possibly look forward to with any satisfaction whatsoever. I do not mind Untouchables, if they so desire, being converted to Islam or Christianity. I should tolerate that, but I cannot possibly tolerate what is in store for Hinduism if there are two divisions set forth in the villages. Those who speak of the political rights of Untouchables do not know their India, do not know how Indian society is to-day constructed, and therefore I want to say with all the emphasis that I can command that if I was the only person to resist this thing I would resist it with my life.

Chairman: It is necessary that before we disperse there should be no misunderstandings again. The documents which have been put in are not documents that have received the approval of this Committee, of the Round Table Conference, or of His Majesty's Government. The documents placed before us officially represent the views of the communities and of those who have definite views on the subject of minority representation. To take one illustration of what has happened, I do not think it is fair for anyone here to say that because I reported to this Conference that I was informed last night by a deputation that they presented a document covering 46 per cent. of the population of India, that therefore I associated myself with that statement or in any way took up any relationship to it except to tell you that that was said to me last night.

The document remains an official document, which will be examined in the light of what has been said here now, and it will be used, like other documents, for the guidance and enlightenment of those who settle down to deal with the details of the problem. Please, therefore, do not allow any somewhat slight departure from accuracy to prejudice your minds or to be the origin of any political agitation whatever.

I find myself—and I know my colleagues do too—very much in agreement with Sir Chimanlal Setalvad, but we have again and again and again pressed that the Federal Structure Committee should discuss those subjects included in the class of safeguards—the Army, Finance and so on. From inside the Federal Structure

Committee itself, however, from that very Committee itself, we were informed that those subjects could not be dealt with in that Committee, and the movement to let it suspend its work for the moment came not from us but from the Committee itself.

• *Pandit M. M. Malaviya*: Not from the Committee.

Several Members: From a section of the Committee.

Chairman: It is perfectly true it might be regarded as a section of the Committee, but then the other section declined to attend and discuss these subjects, according to my report. It is no doing of ours and it is no motion of ours that this should be the case; as a matter of fact, we are so determined to have your views on that that other means will have to be taken to get them. We are not going to deal with the subject of safeguards without knowing your views. We wish the whole Committee to express its views, including all the sections represented on the Committee, and we are not going to take any action without a very close examination of your point of view. The trouble has been to get it.

There is one thing I should like to assure my friend upon, and it is this. The work that has been done here is not to be wasted. The expression of views which has taken place here is not to be put on one side. The declaration made by the Government at the end of the last Session of the Round Table Conference holds good; the work will be proceeded with. I think I had better wait until I am really authorised to make a detailed statement and not anticipate it, because on further consideration there might be better suggestions made. We have put our hand to this plough, and our hand is going to remain on the plough until the end of the furrow. Make no mistake about that. That remains. We wanted the very closest co-operation. We have taken every step we could to get it, and we are as much disappointed as anybody else that the Federal Structure Committee, in the circumstances, could not, apparently, finish its work.

Now, my friend (Sir Chimanlal Setalvad), there is your point. We cannot here deal with the Federal Structure Committee. Nothing that is happening now has happened by design, nor is it happening because we like it; but you see the position yourselves.

Mr. Gandhi has made a very impressive declaration—a very impressive declaration. Other impressive declarations have been made. Will you, each of you, every member of this Committee, sign a request to me to settle the community question and pledge yourselves to accept my decision? That, I think, is a very fair offer.

Mr. Sastri: We are willing on this side.

Chairman: But I do not want any section, or any one man. Will the members of this Committee sign a declaration asking me to give a decision, even a temporary one, on the community question, and say that you will agree? I do not want it now. I say, will you put your names to it and give that to me, with the

assurance that the decision come to will be accepted by you and will be worked by you to the best of your ability in the course of the working of the new constitution? I have asked several sections—at least, individuals—from time to time for that, and I have never got it. That would certainly straighten out the position, but apart from that, do, please, not forget what I said in opening this meeting—that the Government will not allow community differences to prevent it from carrying out its pledges and producing a constitution. Therefore do not make the community difference more important than it is; but I say to you now, and you all know, I am sure, in your own hearts that I am right, that the solution of the Indian community difficulty ought to be reached by those of you who are here, and if you cannot do it I say very well, your failure to do it will not mean that the British Government will simply sit back and say “We can do nothing at all.” That is not the case.

This work is going to go on. Do not make any mistake about that. This work is going to go on and it is going to come to a successful issue too.

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(The Committee adjourned *sine die*.)

NOTE ADDED BY SIRDAR UJJAL SINGH.

I wish to make a correction in Sir Hubert Carr's statement to the effect that the scheme of representation in the Punjab contained in the agreement had increased the weightage of the Sikhs in the Punjab. In fact the weightage has been reduced by 11 per cent. The Sikhs are now enjoying 18 per cent. representation with 11 per cent. of the population, which means a weightage of 65 per cent. But in the new census the Sikh population has gone up to 13 per cent. and with this population a representation of 20 per cent., as is provided in the agreement, means a weightage of 54 per cent., *i.e.*, 11 per cent. less than they are already enjoying. Even with their previous weightage alone the Sikhs are now entitled to 22 per cent. representation in the Punjab. But the Sikhs want a similar weightage to that enjoyed by Muslim minorities.

SECOND REPORT OF MINORITIES COMMITTEE.

The Report of sub-Committee No. III (Minorities) approved by the Committee of the whole Conference on 19th January, 1931, recorded that opinion was unanimous "that in order to secure the co-operation of all communities which is essential to the successful working of responsible government in India, it was necessary that the new constitution should contain provisions designed to assure the communities that their interests would not be prejudiced, and that it was particularly desirable that some agreement should be come to between the major communities in order to facilitate the consideration of the whole question." In these circumstances, it recommended that "the Conference should register an opinion that it was desirable that an agreement upon the claims made to it should be reached and that the negotiations should be continued between the representatives concerned, with the request that the result of their efforts should be reported to those engaged in the next stage of these negotiations."

2. The Committee resumed its deliberations on 28th September, and met subsequently on 1st October, 8th October and 13th November. It had the assistance in its discussions of the representative of the Congress Party.

3. At the first meeting of the resumed Committee on 28th September it was reported that informal negotiations were proceeding between certain of the communities concerned, and after discussion it was unanimously agreed that, in order to give these negotiations an opportunity to reach a conclusion, the Committee should adjourn until 1st October. On its meeting on that day a further motion of adjournment until Thursday, 8th October, to enable the continuance of the negotiations, was moved by Mr. Gandhi and unanimously accepted. It was agreed that the problem of the Depressed Classes and other smaller minorities would form part of the communal problem which was to be the subject matter of the conversations.

4. At the third meeting of the Committee on Thursday, 8th October, Mr. Gandhi reported that the negotiations which had taken place had unfortunately proved entirely abortive, despite the utmost anxiety on the part of all concerned to reach a satisfactory outcome. After considerable discussion it was agreed that the Committee should be adjourned for a further period to enable fresh efforts to be made to reach agreement between the various interests affected. It was decided in this connection that two schemes designed to overcome the communal difficulties in connection with the position in the Punjab which had been prepared by Sardar Ujjal Singh and Sir Geoffrey Corbett should be circulated for the consideration of the Delegates. These schemes are printed as Appendices XVII and XVI to our Report. A scheme for the solution of the communal problem prepared by the Indian National Congress, to which reference was made by Mr. Gandhi at the meet-

ing of the Committee on 8th October, and which was subsequently circulated at his request, is printed as Appendix I.

5. No further meeting took place until 13th November. The intervening period was devoted to private negotiation. At the meeting on 13th November it appeared, however, that despite every effort on the part of the negotiators, it had unfortunately proved impossible to devise any scheme of such a character as to satisfy all parties. The representatives of the Muslims, Depressed Classes, Anglo-Indians, a section of the Indian Christians* and the European commercial community intimated that they had reached an agreement *inter se*, which they formally presented for the consideration of the Committee, and which is printed as Appendix III to this Report. But the course of the discussion on 13th November made it clear that the agreement in question was not regarded as acceptable by the Hindu or Sikh representatives, and that there seemed no prospect of a solution of the communal question as the result of negotiation between the parties concerned.

6. The Committee has, in these circumstances, to record with deep regret that it has been unable to reach any agreed conclusion on the difficult and controversial question which has been the subject of its deliberations.

7. It was agreed at the meeting of 13th November that statements or proposals which had been submitted by the representatives of various interests with the object of finding a satisfactory solution of the problem before the Committee or of inviting attention to aspects of that problem of special importance to the community they represented, should be appended to the Report of the Committee. The documents in question are accordingly printed as Appendices.

8. During the various discussions suggestions were made that the British Government should settle the dispute on its own authority. These suggestions, however, were accompanied by such important reservations that they afforded little prospect of any such decision securing the necessary harmony in working, but the Prime Minister, as Chairman of the Committee, offered to act, and give a decision of temporary validity, if he were requested to do so by every member of the Committee signing an agreement to pledge himself to support his decision so as to enable the constitution to be put into operation, further efforts for an all-Indian settlement being pursued in the meantime.

Signed, on behalf of the Committee,

J. RAMSAY MACDONALD.

St. James's Palace, London.

18th November, 1931.

* Rao Bahadur A. T. Pannir Selvam subscribed to the Agreement, from which, however, Dr. S. K. Datta expressed dissent in the Minorities Committee.

APPENDIX I.

THE CONGRESS SCHEME FOR A COMMUNAL SETTLEMENT.

(Circulated at the request of Mr. M. K. Gandhi.)

However much it may have failed in the realisation, the Congress has, from its very inception, set up pure nationalism as its ideal. It has endeavoured to break down communal barriers. The following Lahore resolution was the culminating point in its advance towards nationalism:—

“In view of the lapse of the Nehru Report it is unnecessary to declare the policy of the Congress regarding communal questions, the Congress believing that in an independent India communal questions can only be solved on strictly national lines. But as the Sikhs in particular, and the Muslims and the other minorities in general, have expressed dissatisfaction over the solution of communal questions proposed in the Nehru Report, this Congress assured the Sikhs, the Muslims and other minorities that no solution thereof in any future constitution will be acceptable to the Congress that does not give full satisfaction to the parties concerned.”

Hence, the Congress is precluded from setting forth any communal solution of the communal problem. But at this critical juncture in the history of the Nation, it is felt that the Working Committee should suggest for adoption by the country a solution though communal in appearance, yet as nearly national as possible and generally acceptable to the communities concerned. The Working Committee, therefore, after full and free discussion, unanimously passed the following scheme:—

1. (a) The article in the constitution relating to Fundamental Rights shall include a guarantee to the communities concerned of the protection of their cultures, languages, scripts, education, profession and practice of religion and religious endowments.

(b) Personal laws shall be protected by specific provisions to be embodied in the constitution.

(c) Protection of political and other rights of minority communities in the various Provinces shall be the concern and be within the jurisdiction of the Federal Government.

2. The franchise shall be extended to all adult men and women.

NOTE A.—The Working Committee is committed to adult franchise by the Karachi resolution of the Congress and cannot entertain any alternative franchise. In view, however, of misapprehensions in some quarters, the Committee wishes to make it clear that in any event the franchise shall be uniform and so extensive as to reflect in the electoral roll the proportion in the population of every community.)

3. (a) Joint electorates shall form the basis of representation in the future constitution of India.

(NOTE B.—Wherever possible the electoral circles shall be so determined as to enable every community, if it so desires, to secure its proportionate share in the Legislature.)*

(b) That for the Hindus in Sind, the Muslims in Assam and the Sikhs in the Punjab and N.-W. F. P. and for Hindus and Muslims in any Province where they are less than 25 per cent. of the population, seats shall be reserved in the Federal and Provincial Legislatures on the basis of population with the right to contest additional seats.

* Note B is not part of the scheme but has been added by me as not being inconsistent with the scheme. (Intld.) M.K.G.

4. Appointments shall be made by non-party Public Service Commissions which shall prescribe the minimum qualifications, and which shall have due regard to the efficiency of the Public Service as well as to the principle of equal opportunity to all communities for a fair share in the Public Services of the country.

5. In the formation of Federal and Provincial Cabinets interests of minority communities should be recognised by convention.

6. The N.-W. F. Province and Baluchistan shall have the same form of government and administration as other Provinces.

7. Sind shall be constituted into a separate Province, provided that the people of Sind are prepared to bear the financial burden of the separated Province.

8. The future constitution of the country shall be federal. The residuary powers shall vest in the federating Units, unless, on further examination, it is found to be against the best interest of India.

The Working Committee has adopted the foregoing scheme as a compromise between the proposals based on undiluted communalism and undiluted nationalism. Whilst on the one hand the Working Committee hopes that the whole Nation will endorse the scheme, on the other, it assures those who take extreme views and cannot adopt it, that the Committee will gladly, as it is bound to by the Lahore resolution, accept without reservation any other scheme, if it commands the acceptance of all the parties concerned.

October 28th, 1931.

APPENDIX II.

MEMORANDUM ON THE CONGRESS FORMULA OF COMMUNAL SETTLEMENT.

By Dr. B. S. Moonje.

On behalf of the Hindu Mahasabha, I, as its working president, hereby express my whole-hearted approval to the assurance given by the Congress, that "no solution thereof (*i.e.*, of communal question) in any future constitution will be acceptable to the Congress that does not give full satisfaction to the parties concerned."

As for the details of the scheme, of the communal solution, I have to suggest amendments as follows:—

(1) In clause 1 (a) and (b) regarding the fundamental rights, the following should be added as (c):—

"None shall be prejudiced by reason of his caste or creed in acquiring or enjoying civil and economic rights including the right of owning, purchasing or disposing of landed estates in the open market, and of freedom of choice of any profession or calling, and all laws existing at present, and acting prejudicially to the enjoyment of these rights should automatically lapse."

(2) In clause 2, note (a), the words "if possible" be added after the words "so extensive as to reflect." The object is to remove the ambiguity of the meaning of the note as it stands. It should clearly mean that in any event the franchise should be uniform, irrespective of the fact whether it reflects or does not reflect in the electoral roll the proportion in population of every community.

(3) The clause 3 (b) should be modified as follows:—

That in any scheme of minority protection by reservation of seats, no minority community in any Province should have reservation below its population strength and it must have the right to contest additional seats.

- (4) The clause 4 be modified as follows:—

(a) That no person shall be under any disability for admission to any branch of Public Service merely by reason of his religion or caste.

(b) That in any Province and in connection with the Central Government, a Public Service Commission be appointed and recruitment to Public Services be made by such a Commission on considerations of highest efficiency and qualification available for any particular Service, thereby securing the twofold object of maintaining the Services on a high level of efficiency, and leaving open a fair field for competition to all communities to secure fair representation.

Minimum qualification will not make for efficiency. Public Services constitute the soul of Swarajya. We cannot afford to put up with less efficiency in our Swarajya than at least what prevails at present under British responsibility. But if we aspire, as we should, to have our Swarajya prospering in competition with that of Nations of Europe and America, we ought not to think lightly of efficiency even with the object of placating this or that so-called backward community. Considerations, therefore, of maintaining efficiency in administration at the highest possible standard makes it obligatory to demand the highest necessary qualification from those who offer themselves for recruitment to Public Services irrespective of considerations of caste or creed.

(c) That membership of any Community caste or creed should not prejudice any person for purposes of recruitment, or be a ground for promotion or supersession in any Public Service.

- (5) The clause 5 be modified as follows:—

That as regards formation of Federal and Provincial Cabinets, political exigencies will inevitably lead to proper conventions, suitable to the conditions then existing in the different Legislatures. Therefore without interfering with the constitutional freedom of party leaders who have to form Cabinets, in the choice of their Ministers, representatives of minorities of considerable numbers should, as far as possible, be included in the formation of Central and Provincial Cabinets.

- (6) The clause 7 be modified as follows:—

As is freely and unreservedly admitted by no less a person than Sir Shah Nawaz Bhutto, a most influential representative of the Sind Muslims in the Round Table Conference, in his interview published in the Times of India, August 1st, 1931, "question of separation of Sind is not the creation of outside politicians, nor is it a part of communal politics." Therefore the question should have no bearing whatsoever on what is known as the problem of communal settlement. It should be considered purely on merit, and it cannot be so considered unless the problem is entrusted for consideration to a Boundaries Commission of experts. If, however, the Government were to accept the separation of Sind, ignoring the opposition of the Hindus of Sind, who have not been given any representation on this Round Table Conference, and the Hindu Mahasabha, to placate the Muslims, it will then be impossible to resist the claim of Sikhs for accepting their scheme of the partition of the Punjab to satisfy the Sikhs.

- (7) The clause 8 dealing with the question of residuary powers should be modified as follows:—

That the question of vesting the residuary powers in the federating Units or in the Central Government is in essence a purely constitutional problem, and thus the opinion of the constitutional experts should prevail. But broadly speaking, it shall be in the best interest of the country as a whole that they should be vested in the Central Government rather than in the federating Units. A strong Central Government is the only sure protective agent of the constitutional rights and liberties of the federating Units.

(8) As for the general question of joint versus separate electorates it should be noted that the scheme of separate electorates was devised for the protection of the minority community. A community which is in majority in any Province is not therefore legitimately entitled to demand separate electorates. But the Hindu Mahasabha has a fundamental objection to the system of separate electorates, and thus we cannot agree to it for reasons which have been so eloquently expressed by Sir Austen Chamberlain in the League of Nations in the following words:—

“It was certainly not the intention of those who have devised the system of minority protection, to establish in the midst of a Nation a community which would remain permanently estranged from national life. The object of minorities treaties was to secure that measure of protection and justice for the minorities which would gradually prepare them to be merged in the national community to which they belong.”

It is well worth to quote here also what the Greek representative, Mr. Dendramis, in the Council of the League of Nations said:—“The authors of the treaties (Minorities Treaties) had not intended to create a group of citizens who would collectively enjoy special rights and privileges; they had intended to establish equality of treatment between all nationals of a State. If privileges were granted to the minority in any country, inequality would be created between this minority and the majority. The latter would be oppressed by the minority, and it would then be the majority which would have to engage the attention of the League of Nations.”

It is perhaps not generally known that the total number of the Muslims (about 20 millions) living in the Provinces with the Hindu majority is very much smaller than that of the Hindus (about 30 millions) who live in the Provinces with Muslim majority. But the Hindus have always felt the confidence of being able to hold their own in competition with their Muslim majorities without the adventitious aids of protection such as separate electorates, etc.

But if the Government were still to maintain separate electorates for the Majority community in any Province, it should confer on the minorities of that Province the privilege of demanding joint electorates with the majority. If a minority community in any province were thus to elect for joint electorates, the constitution should provide for the establishment of joint electorates in that case irrespective of the fact whether the majority community does, or does not, consent.

APPENDIX III.

PROVISIONS FOR A SETTLEMENT OF THE COMMUNAL PROBLEM, PUT FORWARD JOINTLY BY MUSLIMS, DEPRESSED CLASSES, INDIAN CHRISTIANS,* ANGLO-INDIANS AND EUROPEANS.

CLAIMS OF MINORITY COMMUNITIES.

1. No person shall by reason of his origin, religion, caste or creed, be prejudiced in any way in regard to public employment, office of power or honour, or with regard to enjoyment of his civic rights and the exercise of any trade or calling.

2. Statutory safeguards shall be incorporated in the constitution with a view to protect against enactments of the Legislature of discriminatory laws affecting any community.

3. Full religious liberty, that is, full liberty of belief, worship observances, propaganda, associations and education, shall be guaranteed to all communities subject to the maintenance of public order and morality.

* See also note by Dr. S. K. Datta, Appendix XVIII, page 1438.

No person shall merely by change of faith lose any civic right or privilege, or be subject to any penalty.

4. The right to establish, manage and control, at their own expense, charitable, religious and social institutions, schools and other educational establishments with the right to exercise their religion therein.

5. The constitution shall embody adequate safeguards for the protection of religion, culture and personal law, and the promotion of education, language, charitable institutions of the minority communities and for their due share in grants-in-aid given by the State and by the self-governing bodies.

6. Enjoyment of civic rights by all citizens shall be guaranteed by making any act or omission calculated to prevent full enjoyment an offence punishable by law.

7. In the formation of Cabinets in the Central Government and Provincial Governments, so far as possible, members belonging to the Mussulman community and other minorities of considerable number shall be included by convention.

8. There shall be Statutory Departments under the Central and Provincial Governments to protect minority communities and to promote their welfare.

9. All communities at present enjoying representation in any Legislature through nomination or election shall have representation in all Legislatures through separate electorates and the minorities shall have not less than the proportion set forth in the Annexure but no majority shall be reduced to a minority or even an equality. Provided that after a lapse of ten years it will be open to Muslims in Punjab and Bengal and any minority communities in any other Provinces to accept joint electorates, or joint electorates with reservation of seats, by the consent of the community concerned. Similarly after the lapse of ten years it will be open to any minority in the Central Legislature to accept joint electorates with or without reservation of seats with the consent of the community concerned.

With regard to the Depressed Classes no change to joint electorates and reserved seats shall be made until after 20 years' experience of separate electorates and until direct adult suffrage for the community has been established.

10. In every Province and in connection with the Central Government a Public Services Commission shall be appointed, and the recruitment to the Public Services, except the proportion, if any reserved to be filled by nomination by the Governor-General and the Governors, shall be made through such commission in such a way as to secure a fair representation to the various communities consistently with the considerations of efficiency and the possession of the necessary qualifications. Instructions to the Governor-General and the Governors in the Instrument of Instructions with regard to recruitment shall be embodied to give effect to this principle, and for that purpose—to review periodically the composition of the Services.

11. If a Bill is passed which, in the opinion of two-thirds of the members of any Legislature representing a particular community affects their religion or social practice based on religion, or in the case of fundamental rights of the subjects if one-third of the members object, it shall be open to such members to lodge their objection thereto, within a period of one month of the Bill being passed by the House, with the President of the House who shall forward the same to the Governor-General or the Governor, as the case may be, and he shall thereupon suspend the operation of that Bill for one year, upon the expiry of which period he shall remit the said Bill for further consideration by the Legislature. When such Bill has been further considered by the Legislature and the Legislature concerned has refused to revise or modify the Bill so as to meet the objection thereto, the Governor-General or the Governor, as the case may be, may give or withhold his assent to it in the exercise of his discretion, provided, further, that the validity of such Bill may be challenged in the Supreme Court by any two members of the denomination affected thereby on the grounds that it contravenes one of their fundamental rights.

SPECIAL CLAIMS OF MUSSULMANS.

A. The North-West Frontier Province shall be constituted a Governor's Province on the same footing as other Provinces with due regard to the necessary requirements for the security of the Frontier.

* In the formation of the Provincial Legislature the nominations shall not exceed more than 10 per cent. of the whole.

B. Sind shall be separated from the Bombay Presidency and made a Governor's Province similar to and on the same footing as other Provinces in British India.

C. Mussulman representation in the Central Legislature shall be one-third of the total number of the House, and their representation in the Central Legislature shall not be less than the proportion set forth in the Annexure.

SPECIAL CLAIMS OF THE DEPRESSED CLASSES.

A. The constitution shall declare invalid any custom or usage by which any penalty or disadvantage or disability is imposed upon or any discrimination is made against any subject of the State in regard to the enjoyment of civic rights on account of Untouchability.

B. Generous treatment in the matter of recruitment to Public Service and the opening of enlistment in the Police and Military Service.

C. The Depressed Classes in the Punjab shall have the benefit of the Punjab Land Alienation Act extended to them.

D. Right of Appeal shall lie to the Governor or Governor-General for redress of prejudicial action or neglect of interest by any Executive Authority.

E. The Depressed Classes shall have representation not less than set forth in the Annexure.

SPECIAL CLAIMS OF THE ANGLO-INDIAN COMMUNITY.

A. Generous interpretation of the claims admitted by sub-Committee No. VIII (Services) to the effect that in recognition of the peculiar position of the community special consideration should be given to the claim for public employment, having regard to the maintenance of an adequate standard of living.

B. The right to administer and control its own educational institutions, i.e., European education, subject to the control of the Minister.

Provisions for generous and adequate grants-in-aid and scholarships on the basis of present grants.

C. Jury rights equal to those enjoyed by other communities in India unconditionally of proof of legitimacy and descent and the right of accused persons to claim trial by either a European or an Indian jury.

SPECIAL CLAIMS OF THE EUROPEAN COMMUNITY.

A. Equal rights and privileges to those enjoyed by Indian-born subjects in all industrial and commercial activities.

B. The maintenance of existing rights in regard to procedure of criminal trials, and any measure or bill to amend, alter, or modify such a procedure cannot be introduced except with the previous consent of the Governor-General.

Agreed by:—

HIS HIGHNESS THE AGA KHAN (Muslims),

DR. AMBEDKAR (Depressed Classes),

RAO BAHADUR PANNIR SELVAM (Indian Christians),

SIR HENRY GIDNEY (Anglo-Indians),

SIR HUBERT CARR (Europeans).

ANNEXURE.

REPRESENTATION IN LEGISLATURES.

Figures in brackets=Population basis 1931 figures and depressed percentages as per Simon Report.

—	Strength of Chamber.	Hindu.			Muslims.	Christians.	Sikhs.	Anglo-Indians.	Tribal, etc.	Europeans.	—
		Caste.	De-pressed.	Total.							
Centre.											
All India (1931).											
Upper	200	(47.5) 101	(19)* 20	(66.5) 121	(21.5) 67	1	6	1	—	4	•
Lower	300	123	45	168	100	7	10	3	—	12	
Assam	* 100	(48.9) 38	(13.4) 13	(62.3) 51	(34.8) 55	3	—	1	—	10	•
Bengal	200	(18.3) 38	(24.7) 35	(43) 73	(54.9) 102	2	—	3	—	20	•
Bihar and Orissa .	100	(67.8) 51	(14.5) 14	(82.3) 65	(11.3) 25	1	—	1	3	5	

* Represents percentage in Governor's Provinces of B. I.

• Pop. figures exclude Tribal Areas.

ANNEXURE.

REPRESENTATION IN LEGISLATURES.

Figures in brackets = Population basis 1931 figures and depressed percentages as per Simon Report.

	Strength of Chamber.	Hindu.			Muslims.	Christians.	Sikhs.	Anglo-Indians.	Tribal, etc.	Europeans.	
		Caste.	De-pressed.	Total.							
Bombay . . .	200	(68) 88	(8) 28	(76) 116	(20) 66	2	—	3	—	13	On Sind being separated weightage Mussulmans in Bombay to be on the same footing as to the Hindus in the N. W. F. P.
G. P. . . .	100	(63·1) 58	(23·7) 20	(86·8) 78	(44) 15	1	—	2	2	2	
Madras . . .	200	(71·3) 102	(15·4) 40	(86·7) 142	(7·1) 30	(3·7) 14	—	4	2	8	
Punjab . . .	100	(15·1) 14	(13·5) 10	(28·6) 24	(56·5) 51	1·5	(13) 20	1·5	—	2	
U. P. . . .	100	(58·1) 44	(26·4) 20	(84·5) 64	(14·8) 30	1	—	2	—	3	

Sind and N. W. F. P. Weightage similar to that enjoyed by the Mussulmans in the Provinces in which they constitute a minority of the population, shall be given to the Hindu minority in Sind and to the Hindu and Sikh minorities in the N. W. F. P.

EXPLANATORY MEMORANDUM TO APPENDIX III.

1. The suggested details for community representation have not been agreed by the Hindus or the Sikhs, but the full representation claimed by the latter in the Central Legislature is provided for.

2. The proposed distribution of seats for the different minorities constitutes a whole scheme and the detailed proposals cannot be separated one from another.

3. This distribution of seats follows the principle that in no case is the majority community to be reduced to the position of a minority or even equality.

4. No representation is provided for Commerce, Landlords, Industry, Labour, etc., it being assumed that these seats are ultimately communal and that communities desiring special representation for these interests may do so out of the communal quota.

5. The allowance of 33½ per cent. representation to Muslims in the Central Legislature is based on the assumption that 26 per cent. shall be from British India and at least 7 per cent. by convention out of the quota assigned to the Indian States.

6. In the Punjab the suggested common sacrifice by the Muslims, Caste Hindus and the Depressed Classes, would permit of a weightage of 54 per cent. being given to the Sikhs, giving them representation of 20 per cent. in the Legislature.

7. The proposals may be taken as being acceptable to well over 115 millions of people, or about 46 per cent. of the population of India.

APPENDIX IV.*

SIKHS AND THE NEW CONSTITUTION FOR INDIA.

Memorandum by Sardar Ujjal Singh and Sardar Sampuran Singh.

The Sikhs are an important and distinct community, mainly concentrated in the Punjab, of which they were the rulers until 1849. Sikhism recognises no caste and strictly enjoins upon those who profess it to treat all human beings as equal. In religious ideals and social practices they are as different from the Hindus as the Muslims are.

The Simon Commission states: "Sikhism remained a pacific cult until the political tyranny of the Mussulmans and the social tyranny of the Hindus converted it into a military creed. It is a striking circumstance that this small community contributed no less than eighty thousand men" (actually, 89,000 combatant recruits, in addition to 30,000 already serving when war broke out) "to serve in the Great War—a larger proportion than any other community in India."

The Sikhs play a great part in the economic and civic life of the country, in the Punjab, with three million population (13 per cent. of the whole), the Sikhs pay 25 per cent. of the land revenue and 40 per cent. of the land revenue and water rates combined, the main source of the Provincial Exchequer. They maintain at their own expense over 400 schools and 3 colleges, open to all communities and classes without distinction. They have got a large number of holy shrines, which are the centres of Sikh culture and tradition.

The Sikhs claim that their interests should be adequately and effectively protected in the future constitution. On account of their unrivalled position in the Punjab—historical, political and economic—they claim 30 per cent. representation in the Provincial Legislature. This demand is not unreasonable when it is remembered that the Muslim minority in the United Provinces, with a corresponding population, are enjoying 31 per cent. At the last Round Table Conference, in a spirit of accommodation, we came down to 24

* See also Appendix XIX.

per cent. The Muslims, wherever they are a minority, claim weightage. In the Punjab they claim to have their majority ensured by Statute. The Simon Report observes: "It would be unfair that Muhammadans should retain the very considerable weightage they now enjoy in the six Provinces, and that there should at the same time be imposed, in face of Hindu and Sikh opposition a definite Muslim majority in the Punjab and in Bengal unalterable by any appeal to the electorate." Moreover, the Muslims' demand for this majority is made on a basis of separate electorates, which means that the other two communities could not even influence the permanent majority, chosen as it would be by constituents swayed by none but communal motives and aims. It is a denial of the fundamental rights of a community that it should be put in a position which allowed of no peaceful method of appeal against a government that proved itself incompetent or partisan, especially if that government was so constituted as to stereotype and perpetrate religious differences which go back to bitter memories. In view of the claim of the President of the last All-India Muslim Conference, we believe that to write the garrison Province of India into the constitution as an unalterably Muslim Province would be to make the dismemberment of India inevitable. That claim, it will be remembered, was that there should be a "consolidated North-West State, within or without the British Empire," consisting of the Punjab, North-West Frontier Province, Baluchistan and Sind. We cannot accept a constitution which relegates us for all time to the position of an ineffective opposition.

If the Muslims refuse to accept in this Province, where they are in a slight majority in population (56 per cent.), anything but their present demand of a reserved majority, we ask for a territorial re-arrangement which would take from the Punjab the Rawalpindi and Multan divisions (excluding Lyallpur and Montgomery districts). These divisions are overwhelmingly Muslim, as well as racially akin to the North-West Frontier Province; their inclusion in the Punjab is a recent thing, due to conquest by Ranjit Singh. These overwhelmingly Muslim districts, with a population of seven millions can either form a separate Province, which will give the Muslims another majority Province, or be amalgamated with North-West Frontier. This re-arrangement would leave a Punjab of about sixteen millions in which no single community would have an absolute majority and each community would be obliged to conciliate the others. If this solution also is unacceptable to our Muslim brethren we should prefer no change from the present constitution in the Punjab.

A counter proposal of partition of the Punjab has emanated from Sir Geoffrey Corbett, which is open to serious economic and racial objections and which is based upon an absolute misunderstanding of the Sikh position. The main object of any scheme of territorial redistribution should be to satisfy the conflicting claims of the Muslims and the Sikhs in the Punjab. But this scheme seeks to increase still further the Muslim majority by the separation of Ambala division from the Punjab and thereby places the Sikhs in a far worse position than any in which they would find themselves in the existing Punjab. It is therefore entirely unacceptable to the Sikhs.

We summarise below the unanimous demands of the Sikh community for which any scheme of new constitution should make provision before it can be accepted by the Sikhs.

Punjab.

1. The Sikhs are anxious to secure a National Government and are therefore opposed to any communal majority by Statute or any reservation of seats by law for a majority community.
2. The Sikhs occupy an unrivalled position in the Punjab as is reflected by their sacrifices in the defence of India, and in national movements and their stake in the Province, and therefore demand 30 per cent. representation in the Punjab Legislature and Administration.
3. In the Punjab Cabinet and the Public Service Commission the Sikh community should have a one-third share.

4. If no agreement is reached on the above basis, the boundaries of the Punjab may be so altered by transferring predominantly Muhammadan areas to the Frontier Province so as to produce a communal balance. In this reconstituted Punjab there should be joint electorates, with no reservation of seats.

5. If neither of the above alternatives is acceptable, the Punjab may be administered by the newly constituted responsible Central Government till mutual agreement on the communal question is arrived at.

6. Punjabi should be the official language of the Province. It should be optional with the Sikhs and others to use Gurmukhi script if they so desire.

Central.

7. The Sikhs should be given 5 per cent. of the total number of seats reserved for British India in each of the Upper and Lower Houses.

8. There should always be at least one Sikh in the Central Cabinet.

9. In case an Army Council is constituted the Sikhs should be adequately represented on it.

10. The Sikhs have always had a special connection with the Army and therefore the same proportion of Sikhs should be maintained in the Army as before the War.

11. The Sikhs should have effective representation in the all-India Services and should be represented on Central Public Service Commission.

12. All residuary powers should vest in the Central Government.

13. The Central Government should have special specified powers to protect minorities.

Other Provinces.

14. The Sikhs should have the same weightage in other Provinces as is accorded to other minorities.

General.

15. The Provincial and Central Government should declare religious neutrality and while maintaining existing religious endowments should not create new ones.

16. The State should provide for teaching of Gurmukhi script where a certain fixed number of scholars is forthcoming.

17. Any safeguards guaranteed in the constitution for the Sikhs should not be rescinded or modified without their express consent.

November 12th, 1931.

APPENDIX V.

CLAIMS OF THE HINDU MINORITY OF THE PUNJAB.

Memorandum by Raja Narendra Nath.

I enclose a Memorandum which sets forth the claims of the Hindu minority of the Punjab; but I believe that my views are shared by the Hindus of all Provinces in which they are in a minority. I may here mention that the number of Hindus in Provinces in which they are in a minority (assuming that Sind is separated) comes up to nearly 29 millions, and the number of Muslims in which they are in a minority (proceeding on the assumption of the separation of Sind) comes to only about 20 millions. In a Federal system of government in which the Provinces are autonomous, the question of Minorities in Provinces assumes very great importance. The Hindu minority point of view deserves as much, if not greater, consideration than the point of view of the Muslim minority. A disregard of Hindu interests will create resentment and discontent among a larger number of human beings than a

disregard of the interests of the Muslim minorities so far as Provincial Governments are concerned. The political leaders of different Parties in England have declared more than once that the future of the constitution of India must create a feeling of security among the minorities. No such feeling of security will be produced among the Hindus if the claims put forward in the enclosed Memorandum are disregarded.

The Memorandum is brief, and therefore does not deal with reasons on which the claims are based.

1. The Hindus look upon separate electorates as prejudicial to the interests of a minority community. But if the constitution must begin with separate electorates, and it is not provided that they cease after five years, then the Hindus want the following clause to be inserted in the constitution:—

For election to all elected bodies—

(i) The voters of a minority community shall be brought on the same register with the voters of another minority community if the members of the elected body representing the two minority communities pass a resolution or make a requisition to the Head of Government supported by a majority of two-thirds of each community severally that the change be made.

(ii) The voters of a minority community shall be brought on the same register with the voters of a majority community when the members belonging to the minority community in that body pass a resolution or make a requisition to the Head of the Government supported by a majority of two-thirds that the change be made.

(iii) In either case the change shall be made in the election next following.

Although the Hindu minority is better educated than most of the other minorities, they object to any plan of referendum on this point to the Hindu minority. The proposing of the resolution or the making of the requisition referred to in the above clause must be left to the discretion of the representatives of the electorates in the elected bodies.

I may here mention that the fear of the Punjab Muslims that even in tracts in which Muslims are in a majority, the Hindu minority, on account of their intelligence and wealth, will swamp the elections, is unfounded and is not borne out by the result of elections to the District Board. In districts in which Muslims predominate, Hindus fail in elections to the Board.

The Hindus of the Punjab have no objection to separate electorates for the Europeans and Anglo-Indians or for Christians and Depressed Classes. I doubt, however, if all these classes in the Punjab want separate electorates. In July last a Conference of Hindus, Sikhs and Christians was held at Lahore, which I attended, and resolutions in support of joint electorates were passed. On the 11th September last, whilst passing through Delhi, an Address was presented to me by the Depressed Classes in which they protested against their being separated from the Hindus. However, if there has been a change in their attitude and they want separate electorates in the Punjab, I have no objection.

2. The Hindus of the Punjab want reservation of seats, both in the Provincial Council and the Federal Assembly, in proportion to their population. If special constituencies are retained, as I presume they will be, only such constituencies should be reckoned in making up this proportion as have a majority of Hindu voters.

I may here remark, with regard to the population figures of the Depressed Classes and their proportion in the population of each Province, given at page 40 of Vol. I of the Report of the Statutory Commission, that the figures no longer hold good for the Punjab. Enormous increase has taken place in the Sikh and Muslim population of the Punjab, the number of Sikhs having gone up from 2,294,207 in 1921 to 3,064,144 in 1931, and the number of Muslims from 11,444,321 to 13,332,460, which means an annual increase

during the last ten years of nearly 76,000 in the case of the Sikhs, and of 188,000 in the case of the Muslims. This extraordinary increase in the case of both these communities has presumably taken place by the absorption of Depressed Classes within their ranks. On the other hand, a new religious community designated "Adi-Dharmis" is shown in the census figures for the first time in the Punjab. This presumably represents the number of Depressed Classes or at least those who want to be separated from other religious communities. Their number is 399,807 or 1·7 per cent. of the total population of the Province. The proportions given in the Simon Report, therefore, cannot be taken as a guide so far as the Punjab is concerned.

3. I understand that a claim about the services has been put forward by other minorities. They want that a minimum standard of education should be fixed with due regard to efficiency, and that each community should have a fair and adequate share. The Hindu minority think that a vague provision like this will be prejudicial to their interests. A minimum standard of education "with due regard to efficiency" alludes to two incompatible factors. If efficiency has to be borne in mind, why should the requisite standard of education be low? The Hindus want that the constitution should contain a direction indicated in para. 105 of Despatch No. 44 of the Court of Directors, dated 10th December, 1834—"But the meaning of the enactment we take to be that there shall be no governing caste in India and that whatever tests of qualifications may be adopted *distinction of race and religion shall not be of the number.*"

No one, on account of his caste or creed, should be prejudiced in any way for recruitment to Public Services or for promotion to any office, but a proportion, the maximum of which may now be found, may be reserved for a certain number of years to redress communal inequalities and to suit backward classes. There is no need for lowering the general standard of efficiency for all recruits. The Government of India have reserved 33 per cent. of the appointments to the Imperial Services for this purpose. The same rule should be adopted with regard to the Provincial and Subordinate Services. The fixation of proportions should not be left to the discretion of the Head of the Executive or of the Public Services Commission to be appointed by him.

4. The Prime Minister in his speech, dated 19th July, 1931, said as follows:—

"In framing the constitution, His Majesty's Government considers it will be its duty to insert provisions guaranteeing to the various minorities, in addition to political representation, that differences of religion, race, sect or caste, shall not themselves constitute civic disabilities."

The clause defining fundamental rights is all right, but I suggest the addition of the following words:—

"and shall not prejudice anyone in the exercise and enjoyment of civic and economic rights."

(See para. 3 of the last Report of the Minorities sub-Committee.)
November 13th, 1931.

APPENDIX VI.

MEMORANDUM.

By Dr. B. S. Moonje.*

The Hindu Mahasabha's opinion on the Muslim demands is as follows:—

1. The Hindu Mahasabha holds strongly the view that communal representation is fundamentally opposed to nationalism and gradually creates an increasing desire for the assertion of communal difference in various depart-

* This Memorandum was first submitted during the First Session of the Conference.

ments of public administration. The Sabha also thinks that this principle in unsuited to responsible Government in which preferences based on communal distinctions are out of place. In the working of responsible Government full freedom should be given for the growth of healthy adjustments satisfactory to the desire of minorities to take their proper place in the public life of the country. These adjustments, however, are born of experience and are the result of goodwill and understanding, which must have some time given to them to assert themselves. The Sabha, therefore, is of opinion that the future *Svaraj* in India should be laid on sound lines and no arrangements should be made here which will have the result, as experience shows, of increasing the communal tension, or of keeping the minorities in isolated compartments from one another or from the majority community. The Sabha, therefore, wishes to state that the following principles should be kept in view in framing any constitution for India:—

(a) That there shall be uniformity of franchise for all communities in each Province.

(b) That elections to all the elective bodies shall be by mixed electorates.

(c) That there shall be no reservations of seats on communal considerations on any of the elective bodies and educational institutions. But to start with, if a minority community in any Province were to demand a reservation of seats, such reservation may be granted only in the Legislatures for a short period.

(d) That the basis of representation of different communities shall be uniform, such as voting strength, taxation or adult population.

(e) That in no circumstances shall there be any reservation of seats in favour of any majority community in any Province.

(f) That the redistribution of Provinces in India, if and when necessary, shall be made on merits in the light of principles capable of a general application with due regard to administrative, financial and other similar considerations.

(g) That no new Provinces shall be created with the object of giving a majority therein to any particular community so that India may be evolved as one united nation, instead of being subdivided into Muslim India, Sikh India, Christian India and Hindu India.

2. Regarding the Muslim demand for separation of Sind, the Hindu Mahasabha, while agreeing to the principle or redistribution of Provinces as stated above in Section 1, sub-section 2, is opposed to it for the following reasons:—

(a) The creation of any new Provinces primarily or solely with a view to increase the number of Provinces in which a particular community shall be in majority is fraught with danger to the growth of sound patriotism in the country, and will contribute to the growth of a sentiment favouring the division of India into different groups according to differences of religion.

(b) Redistribution of any Province without the consent and agreement of the two communities, Hindu and Muslim, is likely to increase the area of communal conflict and endanger the relations between the two communities not only in that Province, but throughout India. The Hindu community in Sind is against such separation.

(c) Separation of Sind will not only be financially a costly proposition, but would also arrest its economic development and its educational advancement. Besides, it will deprive the people of Sind of the many undeniable benefits of their association with the more advanced people of the Bombay Presidency in their economic as well as their political development.

(d) Sind, if separated, may not be able to bear the financial burden of carrying on a separate administration without help either from the Central or the Bombay Government.

(e) Bombay has invested large amounts of money, particularly in the Sukkur Barrage, and that alone will be a great impediment to separation, at any rate for some years to come.

3. Regarding the introduction of reforms in the North-West Frontier Province and Baluchistan on the same footing as the other Provinces, the Hindu Mahasabha has in principle no objection, but it considers it an impracticable proposition for the immediate future. The Hindu Mahasabha, therefore, proposes that immediate steps be taken to secure to the Province with as little delay as possible the benefits of a regular system of administration, both judicial and executive, so that the Province may be prepared for the reformed constitution.

4. As regards the demand for provision giving the Muslims an adequate share in the Public Services of the State, the Hindu Mahasabha holds that there shall be no communal representation in the Public Service, which must be open to all communities on the basis of merit and competency, ascertained through open competitive taste.

5. As regards the Muslim demand that no Cabinet, either Central or Provincial shall be formed without there being a proportion of Muslim Ministers, the Hindu Mahasabha cannot approve of the proposal, as it is a negation of the wholesome principle of joint responsibility of the Cabinet. In the future responsible Government the Cabinet will be formed by the Chief Minister selecting his own men, as in other self-governing countries. The Hindu Mahasabha, therefore, is of opinion that nothing shall be done to fetter his freedom to make his own selection of his colleagues on the Cabinet. He will naturally select such colleagues irrespective of their communities as will ensure strength and stability to the Cabinet.

6. As regards representation of minorities in the Legislatures, Central, or Provincial, the Hindu Mahasabha stands for joint electorates, and a temporary provision for, say, the lifetime of the next two Legislatures, for reservation of seats for the minorities on the basis of their adult population or their voting strength, whichever shall be favourable to them. The system of reservation shall automatically disappear after the lapse of the period fixed.

7. Regarding the demand for vesting residuary powers in the Provincial Governments, the Hindu Mahasabha cannot agree to it, and stands for strong Central Government.

8. The Hindu Mahasabha stands for full religious liberty, i.e., liberty of belief, worship, observance, propaganda, association and education to be guaranteed to all communities alike, provided these rights are not exercised in such a way as to be provocative, offensive or obstructive to others.

9. The Hindu Mahasabha believes in the potency of joint electorates to further the cause of evolution of India as one united nation, but if the Muslims believe that they cannot do without separate electorates the Hindu Mahasabha will be reluctantly obliged to agree to it, provided that the Muslims adhere to the Lucknow Pact, and its provisions are not contravened or exceeded. The Hindu Mahasabha is of the opinion that it would be unfair to allow the Muslims to take all the benefits given to them under that arrangement for separate electorates, and also to claim other concessions.

10. The above statement is without prejudice to the Hindu Mahasabha's contention that the Muslims in India, having regard to their numerical strength and other circumstances, are not a minority of such a nature as the League of Nations has in view when it considers the claims of minorities. The Muslims in India are a numerically strong, well organised, vigorous and potent body with great facilities for self-development. There are other minorities like the Depressed Classes, Christians, Parsees, etc., who are infinitely weaker than the Muslims in all material respects, and the Sabha thinks it would be difficult to resist the claims of these minorities to concessions similar to those demanded by the Muslims if these are granted to the Muslims. The Sabha is anxious that India should not be split up on the very threshold of a new constitution, besides the Sabha is and always has been willing that all minorities including the Muslims, which require special protec-

tion in the matter of religion, education and culture; should have the fullest opportunities for self-development, self-expression and self-protection. On a perusal of the arrangements made by the League of Nations in the case of many minorities in new provinces formed in Europe after the War, it will be clear that in no case have any claims been allowed like those the Muslims are putting forward in India.

11. The Sabha is willing that the whole of the Hindu-Muslim problem should be referred to individuals, or to a body like the League of Nations, who have dealt with such questions in the past, and have experience of them in other countries. It is necessary that the Hindu-Muslim problem should be examined by impartial men, who have experience of such questions, and who will have the courage to solve them with impartiality.

12. The Hindu Mahasabha here feels the need of emphasising the point that the League of Nations, while providing for full legitimate protection to the minorities in matters concerning their religion, culture and social customs, has scrupulously refrained from discriminating the nationals of a State on the basis of their religions, cultures of languages, as is demanded by the Muslims of India in the public administration of the country, where, according to the League of Nations, principles of freedom and equality in the political, economic and legal spheres should prevail.

The Sabha concludes this statement by saying that in the solution of this communal question the caution must ever be borne in mind which was voiced by an expert of the League of Nations who was called upon to examine the minorities question, in his report as follows:—

“ It seems to me obvious that those who conceived this system of protection (of minorities) did not dream of creating within certain States a group of inhabitants who would regard themselves as permanently foreign to the general organisation of the country. . . . We must avoid creating a State within a State, we must prevent the minority from transforming itself into a privileged class, and taking definite form as a foreign group instead of becoming fused in the society in which it lives. If we take the exaggerated conception of the autonomy of minorities to the last extreme, these minorities will become a disruptive element in the State and a source of national disorganisation.”

SUPPLEMENTARY STATEMENT BY DR. B. S. MOONJE.

FUNDAMENTAL RIGHTS.

1. The Hindu Mahasabha stands for making provision in the constitution for full protection of the different cultures, religions, languages, script and personal laws of the different minorities.

2. As for civic and economic rights none shall be prejudiced by reason of his caste or creed in acquiring or enjoying those rights which should expressly include the rights of owning, purchasing or disposing of landed properties in the open market without any restrictions of any kind whatsoever and of freedom of choice of any profession or calling. All laws existing at present in India based on caste discriminations similar to those existing in Kenya based on colour prejudices, and are acting prejudicially to the enjoyment of these rights should automatically lapse.

That no person shall be under any disability for admission to any branch of public service merely by reasons of his religion or caste.

Membership of any community or caste or creed should not prejudice any person for purposes of recruitment to public services or be a ground for non-admission, promotion or supersession in any public service.

RECRUITMENT TO PUBLIC SERVICES.

3. As for the method of recruitment to public services, there should be appointed a Public Services Commission in every Province and in connection with the Central Government. The recruitment to public services should be

made by such a Commission on considerations of highest efficiency and qualifications necessary and available for any particular service, by open competition, thereby securing the two-fold object of maintaining the services on a high level of efficiency and leaving open a fair field of competition to all communities to secure fair representation.

Minimum qualifications will not make for efficiency. The public services constitute the soul of self-Government. It will not be safe to have less efficiency in administration than at least what prevails at present under British responsibility, but if the aspiration be, as it should be, to have our self-government in India prospering in competition with that of the nations of Europe and America it will not do to think lightly of efficiency even with the object of plating this or that so-called backward community. Considerations therefore of maintaining efficiency in administration at the highest possible standard make it obligatory to demand the highest necessary qualifications from those who offer themselves for recruitment to public services, irrespective of caste or creed.

FRANCHISE.

4. As for Franchise, it may be made as extensive as possible but it should be uniform for all communities in each Province irrespective of the fact whether it does or does not reflect in the electoral roll the proportion in population of every community in the Province.

ELECTORATES, JOINT OR SEPARATE.

5. As for the general question of joint *versus* separate electorates it should be noted that the scheme of separate electorates was devised for the protection of a minority community. A community which is in majority in any Province is not therefore legitimately entitled to demand separate electorates. But the Hindu Mahasabha has a fundamental objection to the system of separate electorates and thus cannot agree to it for reasons which have been so eloquently given expression to by Sir Austen Chamberlain in the League of Nations in the following words:—

“It was certainly not the intention of those who have devised the system of the minorities protection to establish in the midst of a nation a community which would remain permanently estranged from national life. The object of the Minorities Treaty was to secure that measure of protection and justice for the minorities which would gradually prepare them to be merged in the national community to which they belong.”

In this connection it is well worth quoting what the Greek representative, Mr. Dendramis, in the Council of the League of Nations, has said:—

“The authors of the treaties (Minorities Treaties) had not intended to create a group of citizens who would collectively enjoy special rights and privileges. They had intended equality of treatment between all the nationals of a State. If privileges were granted to minorities in any country, inequality would be created between this minority and the majority. The latter would be oppressed by the minority and it would then be the majority which would have to engage the attention of the League of Nations.

This description will very appropriately apply to the situation in India that will arise if the Muslim demands are conceded. It is perhaps not generally known that the total number of Muslims (about twenty millions) living in the Provinces with Hindu majority is very much smaller than that of the Hindus (about thirty millions) who live in Provinces with Muslim majority. But the Hindus have always felt the confidence of being able to hold their own in competition with their Muslim majorities, without the adventitious aids of protection, such as separate electorates, reservation in services, etc.

The Constitutional difficulty that is created by the Moslem demand for separate electorates cannot be brought to light more vividly than in the

following words of the Prime Minister in his speech in the House of Commons in January last:—

“If every constituency is to be ear-marked, as to community or interest, there will be no room left for the growth of what we consider to be purely political organisations which would comprehend all the communities, all creeds, all conditions of faith If India is going to develop a robust political life, there must be room for national political parties based upon conceptions of India's interests and not upon the conceptions regarding the well-being of any field that is smaller or less comprehensive than the whole of India.”

But if the Government were still to maintain separate electorates for the majority community in any Province, it should at least confer on the minorities of that Province the privilege of demanding joint electorates with the majority. If a minority community in any Province were thus to elect for joint electorates the constitution should provide for the establishment of joint electorates in that case irrespective of the consent thereto of the majority community.

PROTECTION OF MINORITIES.

6. The Hindu Mahasabha being fundamentally opposed to separate electorates, and to provision of protection by reservation of seats for a majority community in any Province, if any scheme of minority protection be devised by reservation of seats in the joint electorates, then no minority community in any Province should have reservation below its population strength, and it must also have the right to contest additional seats on equal terms with all others.

WEIGHTAGE IN REPRESENTATION.

7. As for the demand for weightage in representation, it is impossible to entertain the proposal in view of the entirely separatist mentality which has inspired the demands. The impracticability of the demand cannot be emphasised in better words than in those of no less a person than the Prime Minister himself who says in his speech in the House of Commons:—

“It is very difficult again to convince these very dear delightful people that if you give one community weightage, you cannot create weightage out of nothing. You have to take it from somebody else. When they discover that, they become confused indeed and find that they are up against a brick wall.”

But if the principle of weightage be still maintained it would be only proper and just that uniformity be observed in fixing the proportion of weightage for all minorities.

FORMATION OF CABINETS.

8. As regards formation of Central Federal and Provincial Cabinets, political exigencies will inevitably lead to proper conventions suitable to the conditions then existing in the different Legislatures. Therefore, without interfering with the constitutional freedom of the party leaders who are to form the Cabinets, in the choice of their Ministers, representatives of the minorities of considerable numbers should as far as possible be included in the formation of Central and Provincial Cabinets.

RESIDUARY POWERS.

9. As regards the question as to whether the residuary powers should be vested in the Federating units or in the Central Government, it is in essence a purely constitutional problem, where opinions of constitutional experts should prevail. But broadly speaking it will be in the best interests of the country as a whole that they should be vested in the Central Government rather than in the Federating units. A strong Central Government is the

only sure protecting agent of the constitutional rights and liberties of the Federating units and also of the minorities in the Provinces.

SEPARATION OF SIND.

10. As for the question of separation of Sind, it is freely and unreservedly admitted by no less a person than Sir Shah Nawaz Bhutto, a most influential representative of the Sind Muslims on the Round Table Conference, in his interview published in the *Times of India* of August 1st, 1931, that "the question of the separation of Sind is not the creation of the outside politicians nor is it a part of the communal politics." Therefore the question should have no bearing whatsoever on what is known as the problem of communal settlement. It should be considered purely on merit and it cannot be so considered unless the problem is entrusted to a Boundaries Commission of experts.

In this connection it ought to be noted that there was no representative of the Sind Hindus on the Round Table Conference and its Sind sub-Committee. The decision of the Committee therefore is regarded by the Hindus of Sind as *ex parte*, and is repudiated by them and the Hindu Mahasabha as such. If, however, the Government were still to accept the separation of Sind, ignoring the protests of the Sind Hindus and the Hindu Mahasabha, simply to placate the Muslims, it would then be impossible to resist the claim of the Sikhs for accepting their scheme of partition of the Punjab to satisfy the Sikhs.

OUTLOOK ON PROBLEM OF MINORITIES.

11. In fact the whole question of minorities is being looked at from a most unnatural point of view under the plausible excuse of protection for minorities. As Edmund Burke has said:—

"Parliament is not a congress of Ambassadors from different and hostile interests, which interests each must maintain as an agent and advocate against other agents and advocates, but Parliament is a deliberative Assembly of one nation with one interest, that of the whole people; where not local purposes, not local prejudices ought to guide, but the general good resulting from the general reason of the whole."
16th November, 1931.

APPENDIX VII.

* SUPPLEMENTARY MEMORANDUM ON THE CLAIMS OF THE DEPRESSED CLASSES FOR SPECIAL REPRESENTATION.

By Dr. Bhimrao R. Ambedkar and Rao Bahadur R. Srinivasan.

In the memorandum that was submitted by us last year dealing with the question of political safeguards for the protection of the Depressed Classes in the constitution for a self-governing India, and which forms Appendix III to the printed volume of Proceedings of the Minorities sub-Committee, we had demanded that special representation of the Depressed Classes must form one of such safeguards. But we did not then define the details of the special representation we claimed as being necessary for them. The reason was that the proceedings of the Minorities sub-Committee came to an end before the question was reached. We now propose to make good the omission by this supplementary memorandum so that the Minorities sub-Committee, if it comes to consider the question this year, should have the requisite details before it.

* For previous memorandum see Appendix III to Proceedings of the Minorities sub-Committee of the First Session of the Conference.

I.—EXTENT OF SPECIAL REPRESENTATION.

A. *Special Representation in Provincial Legislatures.*

(i) In Bengal, Central Provinces, Assam, Bihar and Orissa, Punjab and the United Provinces, the Depressed Classes shall have representation in proportion to their population as estimated by the Simon Commission and the Indian Central Committee.

(ii) In Madras the Depressed Classes shall have twenty-two per cent. representation.

(iii) In Bombay:—

(a) In the event of Sind continuing to be a part of the Bombay Presidency the Depressed Classes shall have sixteen per cent. representation.

(b) In the event of Sind being separated from the Bombay Presidency the Depressed Classes shall enjoy the same degree of representation as the Presidency Muslims, both being equal in population.

B. *Special Representation in the Federal Legislature.*

In both Houses of the Federal Legislature the Depressed Classes shall have representation in proportion of their *population in India*.

Reservations.

We have fixed this proportion of representation in the Legislatures on the following assumptions.—

(1) We have assumed that the figures for the population of the Depressed Classes given by the Simon Commission (Vol. I, p. 40) and the Indian Central Committee (Report p. 44) will be acceptable as sufficiently correct to form a basis for distributing seats.

(2) We have assumed that the Federal Legislature will comprise the whole of India, in which case the population of the Depressed Classes in Indian States, in Centrally Administered Areas, and in Excluded Territories, besides their population in Governor's Provinces, will form very properly an additional item in calculating the extent of representation of the Depressed Classes in the Federal Legislature.

(3) We have assumed that the administrative area of the Provinces of British India will continue to be what they are at present.

But if these assumptions regarding figures of population are challenged, as some interested parties threaten to do, and if under a new census over which the Depressed Classes can have no control the population of the Depressed Classes shows a lower proportion, or if the administrative areas of the Provinces are altered, resulting in disturbing the existing balance of population, the Depressed Classes reserve their right to revise their proportion of representation and even to claim weightage. In the same way, if the all-India Federation does not come into being, they will be willing to submit to readjustment in their proportion of representation calculated on that basis in the Federal Legislature.

II.—METHOD OF REPRESENTATION.

1. The Depressed Classes shall have the right to elect their representatives to the Provincial and Central Legislature through separate electorates of their voters.

For their representation in the Upper House of the Federal or Central Legislature, if it is decided to have indirect election by members of the Provincial Legislatures, the Depressed Classes will agree to abandon their right to separate electorates so far as their representation to the Upper House is concerned subject to this: that in any system of proportional representation arrangement shall be made to guarantee to them their quota of seats.

2. Separate electorates for the Depressed Classes shall not be liable to be replaced by a system of joint electorates and reserved seats, except when the following conditions are fulfilled:—

(a) A referendum of the voters held at the demand of a majority of their representatives in the Legislatures concerned and resulting in an absolute majority of the members of the Depressed Classes having the franchise.

(b) No such referendum shall be resorted to until after twenty years and until universal adult suffrage has been established.

III.—NECESSITY OF DEFINING THE DEPRESSED CLASSES.

The representation of the Depressed Classes has been grossly abused in the past inasmuch as persons other than the Depressed Classes were nominated to represent them in the Provincial Legislatures, and cases are not wanting in which persons not belonging to the Depressed Classes got themselves nominated as representative of the Depressed Classes. This abuse was due to the fact that while the Governor was given the power to nominate persons to represent the Depressed Classes, he was not required to confine his nomination to persons belonging to the Depressed Classes. Since nomination is to be substituted by election under the new constitution, there will be no room for this abuse. But in order to leave no loophole for defeating the purpose of their special representation we claim—

(i) That the Depressed Classes shall not only have the right to their own separate electorates, but they shall also have the right to be represented by their own men.

(ii) That in each Province the Depressed Classes shall be strictly defined as meaning persons belonging to communities which are subjected to the system of untouchability of the sort prevalent therein and which are enumerated by name in a schedule prepared for electoral purposes.

IV.—NOMENCLATURE.

In dealing with this part of the question we would like to point out that the existing nomenclature of Depressed Classes is objected to by members of the Depressed Classes who have given thought to it and also by outsiders who take interest in them. It is degrading and contemptuous, and advantage may be taken of this occasion for drafting the new constitution to alter for official purposes the existing nomenclature. We think that they should be called "Non-caste Hindus", "Protestant Hindus", or "Non-conformist Hindus", or some such designation, instead of "Depressed Classes". We have no authority to press for any particular nomenclature. We can only suggest them, and we believe that if properly explained the Depressed Classes will not hesitate to accept the one most suitable for them.

We have received a large number of telegrams from the Depressed Classes all over India supporting the demands contained in this Memorandum.

November 4th, 1931.

APPENDIX VIII.

MEMORANDUM ON THE CLAIMS OF INDIAN CHRISTIANS.

By Rao Bahadur A. T. Pannir Selvam.

Some of the statements made by the Congress representative and the attitude of the Indian National Congress towards the vital needs of the minority interests make it imperative that I should re-state my case on behalf of the Indian Christians.

Mr. Gandhi was reported to have said in last March as follows: "If instead of confining themselves to purely humanitarian work and material

service to the poor, they (the foreign missionaries) limit their activities as they do at present, to proselytising by means of medical aid, education, etc., then I would certainly ask them to withdraw. Every nation's religion is as good as any other. Certainly India's religions are adequate for her own people. We need no converting spiritually." This provoked criticisms and aroused fears and suspicions all round.

Replying to "correspondents angry or curious," Mr. Gandhi characterised, in his *Young India* of April 23rd, the report as a travesty of his views, and explained: "If instead of confining themselves to purely humanitarian work such as education, medical services to the poor, and the like, they would use these activities of theirs for the purpose of proselytising, *I would certainly like them to withdraw*. Every nation considers its own faith to be as good as that of any other. Certainly India's religions are adequate for her people. India stands in no need of conversion from one faith to another . . ."

The rejoinder did not, however, improve the position.

Now, Mr. Gandhi undeniably occupies the unique position of leader, even dictator, of the strongest organised political body in India, which presumably is destined to be the ruling power in the event of *Swaraj*. One might, therefore, justifiably assume Mr. Gandhi's statement to be indicative of the policy of the future governing class towards all proselytising faiths. The Christian community has been selected for the first warning, probably because of their comparative numerical helplessness. Naturally enough, Mr. Gandhi's words have been received with a stir of genuine apprehension by the great majority of Indian Christians. Subsequently he had "no doubt that in India under *Swaraj* foreign missionaries will be at liberty to do this proselytising 'in the wrong way'".

Further, the Congress resolution on the question of fundamental rights was studiously silent on the question of proselytising or preaching religion, although Mr. George Joseph, one time lieutenant of Mr. Gandhi, had specially written on the subject to the Convenor of the Subjects' Committee and had a reply to the effect that there would be no difficulty.

If the fears and anxieties of a minority community, such as mine, as to their right of freedom of conscience under a *Swaraj* Government, are to be allayed, I feel that there should be some statutory provision such as the following in the future constitution of the country:—

"1. Every person of whatever race, caste, creed, or sex shall have the right to freely and openly profess, practice, and preach his religion, subject to public order and morality. He shall also have the right to convert by peaceful, legitimate, and constitutional methods, others to his faith.

2. No person shall, merely by reason of his change of faith, lose any of his civil rights or privileges or be subject to any penalty.

3. Persons belonging to any religion shall have a right to establish, manage, and control at their own expense, charitable, religious, and social institutions, schools, and other educational establishments, with the right to exercise their religion therein; and where specific sums of money from public funds, as set out in the State Budget or in the Budget of local or other public authorities, are to be devoted to education, religion, or philanthropy, a due share in the use and enjoyment of such sums shall be secured to these institutions as well."

Again, the attitude of the Congress spokesman to the representation of minorities in the legislative bodies has been peculiarly curious. If he had ruled out definitely all special representations, his position would have been intelligible. Having agreed to special representation of the Hindus, the Sikhs and the Muslims, how could the same privilege, in fairness, be denied to the other communities? Mr. Gandhi's "historical grounds" are hardly historical! Students of real history know that Christianity in India is at least centuries older than the Mussalman invasion of the country; and was flourishing in the land before the origins of Sikhism. Christians have played a very prominent part in the building up of the public weal,

and are therefore entitled to the same consideration as the sister communities. Mr. Gandhi's "historical grounds", it would appear, have reference to the Lucknow and other Congress resolutions. The Christians as a community have never been a party to any of the pacts or resolutions of the Congress, and they should therefore not be denied with impunity their rights for adequate separate representation in the future Legislatures of their country.

The Christians are, after all, the third largest religious community in India, numerically much superior to the Sikhs. The social and economic condition of the Christians, and the fact that they are scattered about the country, make it essential that their representation should be through a separate electorate of their own. Reservation of seats in a joint electorate is impracticable in their case, and would hardly safeguard or serve their interests.

I claim, therefore, on behalf of the Indian Christian community, that, in addition to the elemental right to profess, practice, and act up to the teachings of their religion, they should be given the right of representation through a separate electorate in the various legislative bodies of the new constitution, and that they should be given such other privileges and rights as may be conceded to the other minority communities in India.

October 20th, 1931.

APPENDIX IX.

FUNDAMENTAL RIGHTS TO BE INCORPORATED IN THE NEW CONSTITUTION FOR INDIA FOR THE ANGLO-INDIAN AND DOMICILE EUROPEAN COMMUNITY.

Memorandum by Sir Henry Gidney.

To give effect to the resolution passed in the Services sub-Committee, Clause 5 (4) of which reads:—

"The sub-Committee recognise the special position of the Anglo-Indian community in respect of public employment and recommend that special consideration should be given to their claims for employment in the Services," the Anglo-Indian community demands the inclusion of the following clauses in the Fundamental Rights.

(1) *Political rights as a community* with adequate representation in both Federal and Provincial Legislatures in proportion to their part in the life of the country and the right of electing their own representatives.

(2) *Employment in Services.*—It shall receive special employment on a living wage, based on their standard of living, in the Executive and Ministerial Services in every administrative department of the State.

(b) That the same number of Anglo-Indians and domiciled Europeans per centum of the total number of persons employed in such Services as are employed on the date on which the new constitution comes into force shall continue for 30 years after the operation of the new constitution; subject only to the condition that a sufficient number of Anglo-Indians possessing the requisite qualifications is available.

(3) *Education.*—(a) Subject to the powers and control of the Executive Minister it shall be given the right to administer and control its own educational institution, i.e., European education, and, if it so desires, it shall be permitted to levy an educational cess from its own members for the support of its education.

(c) European education shall be specially protected by

(1) the retention of the present grants-in-aid and the generous grant of an adequate number of scholarships;

(2) the creation of an Education Trust Fund, the equivalent of the present total annual expenditure on European education, to which shall be added the funds of the Uncovenanted Service Family Pension

Fund and of any other similar Funds created and maintained by members of the community for the moral, educational, or material benefit of Anglo-Indians whether already closed, or about to be closed, owing to the demise of the beneficiaries thereunder or for any reason whatever. The income accruing to the said Trust shall be utilised for the purpose of granting educational scholarships to the members of the community.

(4) *Jury rights*.—All racial discrimination shall be eliminated in jury trials and Anglo-Indians shall be given equal jury rights with other communities in India, by

(a) the demand of "by legitimate descent" now made of the Anglo-Indian alone being deleted from the provisions of the Criminal Procedure Code, Sec. 4, Clause (1), Sub-Clause (ii);

(b) the accused, whoever he be, being given the right of claiming trial by either a European or an Indian jury and the words "or European as he may desire", being added to Section 275, Clause (1), and Section 284 (a), Clause (i)

DECLARATION OF RIGHTS SUBMITTED BY COL. GIDNEY FOR ALL MINORITY COMMUNITIES TO BE INCORPORATED IN THE NEW CONSTITUTION FOR INDIA ON 19TH JANUARY, 1931.

1. *Definition*.—A community shall be classified as a minority community if it shall be notified as such in the Gazette of India.

2. *Fundamental Right*.—All subjects of the State in India are equal before the law and possess equal civic rights [U. S. A. Constitution Amendment XIV and Government of Ireland Act, 1920, 10 and 11, Geo. V., Ch. 67, sec. 5 (2)]. Any existing enactment, regulation, order, custom or interpretation of law by which any penalty or disability is imposed upon or any discrimination is made against any subject of the State shall, as from the day on which this constitution comes into operation, cease to have any effect in India.

3. *Representation on Legislatures*.—Adequate representation on the Federal and Provincial Legislatures.

4. *Separate Electorates*.—All minority communities who so desire shall be given separate electorates which shall be retained till 75 per cent. of a community consent to forego the right, and desire otherwise.

5. *Public Service Commission*.—(a) In addition to the Public Service Commission already functioning under the Government of India, there shall be created a Public Service Commission in each Province charged with the duty of recruiting for the Public Services.

(b) Minority communities shall be collectively represented by not less than one of its members on each Provincial Commission and on the Commission already functioning under the Government of India. These representatives shall be nominated by the Governor-General or the Governor as the case may be.

(c) It shall be the duty of the Public Service Commission, subject to the test of efficiency as may be prescribed—

(1) to recruit for the Services in such a manner as shall secure due and adequate representation of all communities, and

(2) to regulate from time to time priority in employment in accordance with the existing extent of representation of the various communities in any particular service.

6. *Representation in Cabinets*.—(1) In the Federal Cabinet, one Minister and two Parliamentary Under-Secretaries shall be chosen from and be collectively representative of the minority communities.

(2) In each Provincial Cabinet one Minister and one Parliamentary Under-Secretary shall be chosen from and be collectively representative of the minority community.

(3) Such Ministers shall be nominated by the Governor-General or the Governor as the case may be and given a special portfolio with a special Statutory Department for the protection of minority interests.

N.B.—If No. 6 cannot be statutorily enacted it should be incorporated in the Instrument of Instructions to the Governor-General and Governors as a specific mandate to them, with powers to act in such matters independently of the views of their Ministry.

7. *Appeal.*—Should the Federal Government or any Provincial Governments fail to comply in any or all of the foregoing provisions an appeal shall lie in the case of an order of the Federal Government to the Secretary of State for India or any other higher tribunal, and in the case of the Provincial Government to the Federal Government in the first place, and from the order of the Federal Government to the Secretary of State for India or any other higher tribunal.

APPENDIX X.

THE MARATHAS AND ALLIED COMMUNITIES.

Memorandum by Mr. B. V. Jadhav.

When the Montagu-Chelmsford Reforms were under consideration the non-Brahmins of Madras and the Marathas of Bombay started an agitation to protect their interests from the dominant influence of the advanced communities. In the Government of India Act of 1919 their claims were recognised and some seats were reserved for them in multiple seat constituencies.

The non-Brahmin movement in Madras is co-extensive with the boundaries of that Province, and in all the four elections they have been able to secure more seats than were reserved to them, and hardly any occasion may have arisen when the concession of reserved seats came into operation. Nobody in Madras is therefore keen on preserving the right of reserved seats.

In the Bombay Presidency the conditions are different. There is, of course, the non-Brahmin movement there also, but it is confined to the Marathas and lingayets of the districts in which the Marathi and Canarese languages are spoken. In Sind and Gujerat the social conditions are vastly different, and there no Hindu community except the Depressed Classes asks for special protection. The Marathas and the allied communities, who have so far enjoyed protection under the reservation clause, are desirous that the concession should be continued for a further period.

It is to be noted that the Government of Bombay are of opinion that the concession is no longer necessary. This was probably due to the absence in the Government of anybody who knew the real condition of the people.

I urged that the concession should be continued.

Four elections were held since the passing of the Government of India Act in 1919. The first election of 1920 and the fourth of 1930 cannot be considered to be normal as the Congress in those years refused to take any part in them. In those years the elections were uncontested in many constituencies, and therefore the success of the Maratha candidates does not show that normally they are able to look after their own interests and do not require any protection. But the elections of 1923 and 1926 were hotly contested. The results of both these elections prove that in the City of Bombay no Maratha candidate would succeed if the right of a reserved seat was taken away. The same is proved by the fate of Maratha candidates in the Ahmednagar and Ratnagiri districts in 1926. Out of the six reserved seats, in three the right of reservation was claimed. The seventh reserved seat is not fixed, but is taken in turn by the districts of Sholapur, Kolaba and West Khandesh. In 1923 this seat was reserved in the Kolaba District but in the Sholapur and

West Khandesh districts it was open to all communities without reservation. In this year no Maratha candidate was elected either in Sholapur or West Khandesh.

Similarly, in the following election the seat was reserved in West Khandesh but left open to all communities in Kolaba, and there again the Maratha candidate failed. This will show that the Maratha and allied communities have not yet become sufficiently organised and therefore require protection for a further period.

The principle of reservation works as a safety valve. In ordinary circumstances it does not operate at all but automatically comes into operation only when an emergency arises. It is therefore not necessary to take away the right of reservation. When no longer necessary it will remain unused.

I therefore submit that the right of reserved seats should be continued as under the present Act.

November 13th, 1931.

APPENDIX XI.

LABOUR UNDER THE NEW CONSTITUTION.

Circulated by N. M. Joshi, Mr. B. Shiva Rao and Mr. V. V. Giri.

I am making this statement on the subject of Labour in the new constitution with the consent and approval of my two colleagues.

First, let me say a word as to the number of those who would come under the category of Labour. Precision is not possible in this matter, as the details of the Census Report of 1931 are not yet fully available. We include in the category of Labour all those who are wage-earners, whether in fields, plantations or factories. A memorandum was prepared in the India Office in 1921 and submitted to the Council of the League of Nations to urge the inclusion of India among the leading industrial states of the world. According to the figures mentioned in that memorandum, there were 27·8 million agricultural workers employed as farm servants and field labourers in India in 1911. This figure includes workers in the tea, coffee, rubber and indigo plantations, but does not include the much larger class of small holders and tenants who numbered at that time over 40 million. The estimate of workers in industries, mining and transport is given as approximately 20·2 million. The total number of workers in India would, therefore, be 48 million.

This was in 1911. During the last 20 years there has been an increase in general population by about 10 per cent. Cultivation has been extended and industries have been developed on a considerable scale. Our estimate of the total number of workers at the present moment is, therefore, between 55 and 60 million. Of these, an appreciable number is drawn from the Depressed Classes, whose representatives have put forward their special needs and claims, but what exact proportion they form is difficult to say without a proper enquiry. Nevertheless, it is safe to estimate that the rest of Labour, excluding for the moment those belonging to the Depressed Classes, would be about 35 million, or 10 per cent. of India's population.

(1) *A Declaration of Rights.*—At a meeting of the Minorities sub-Committee last year, Mr. Shiva Rao read out the Declaration of Rights which, in our opinion, should be inserted in the constitution. It may be enlarged to suit the requirements of other minorities, but so far as Labour is concerned, these points should find mention:—

“Recognising that the well-being, physical, moral and intellectual, of the workers of India is of supreme importance in assuring the peace, progress

and prosperity of the country, and recalling the solemn obligations of India as a Member of the League of Nations, and of the International Labour Organisation, to endeavour to secure and maintain fair and humane conditions of labour for men, women and children, and to collaborate in the international establishment of social justice, the Commonwealth declares the following principles to be accepted as fundamental principles of the constitution, and as regulating the exercise of the legislative, executive and judicial powers within the Commonwealth:—

(1) It is the duty of every citizen so to use his mental and bodily powers as to contribute to the welfare of the community, and correspondingly it is the duty of the community to secure, so far as lies in its power, that every citizen shall be given the training and opportunities necessary to enable him to maintain by his work a decent standard of living;

(2) The Indian Parliament shall make suitable laws for the maintenance of health and fitness of work of all citizens, the securing of a living wage for every worker, and provision against the economic consequences of old age, infirmity and unemployment;

(3) The protection of motherhood and the rearing of the rising generation to physical, mental and social efficiency are of special concern to the Commonwealth. Women, young persons and children shall, therefore, be protected against moral, spiritual or bodily injury or neglect and against exploitation and excessive or unsuitable employment;

(4) The welfare of those who labour shall be under the special protection of the Commonwealth and the conditions of Labour shall be regulated, from time to time as may be necessary, with a view to their progressive improvement;

(5) The right of workers to express their opinions freely by speech, writing or other means, and to meet in peaceful assembly and to form associations for the consideration and furtherance of their interests, shall be granted by the Commonwealth. Laws regulating the exercises of this right shall not discriminate against any individual or class of citizens on the grounds of religious faith, political opinion or social position;

(6) No breach of contract of service or abetment thereof shall be made a criminal offence;

(7) The Commonwealth shall co-operate with other nations in action to secure the realisation of the principle of social justice throughout the world;

(8) All citizens in the Commonwealth have the right to free elementary education without any distinction of caste or creed in the matter of admission into any educational institutions maintained or aided by the State and such right shall be enforceable as soon as due arrangements shall have been made by competent authority;

(9) All citizens are equal before the law and possess equal civic rights;

(10) All citizens have an equal right of access to and the use of public roads, public wells and all other places of public resort."

(2) *Labour Legislation, a Federal Subject with concurrent powers to the Provincial Legislatures.*—Our next point is that labour legislation should be a federal subject, with power for the Provincial or State Legislatures also to legislate but not, as the Royal Commission on Labour observed in its Report issued a few months ago, "so as to impair or infringe the authority" of the Federal Legislature.

(3) *The Ratification of International Labour Conventions to be a concern of the Federal Government.*—We desire that the power to ratify International Labour Conventions should be vested in the Federal Government.

It is not necessary to elaborate either of these points, as they fall really within the scope of the discussions of the Federal Structure Committee, and I still hope I shall have an opportunity of raising them.

(4) *The Introduction of Adult Suffrage.*—For a similar reason I shall not do more than mention the point that the introduction of adult suffrage is vital from the workers' point of view. We found ourselves in a minority in advocating it in the Franchise sub-Committee last year; but we are glad to see that Mr. Gandhi and the Congress are also in favour of it, and we hope that with his powerful assistance we shall secure adult suffrage.

We shall have no objection, if on detailed enquiry, it be found that universal adult suffrage would be impracticable as the next stage, to some qualification being made, such as raising the age limit to 25 years, provided that the restriction applies equally to all classes. But we do ask for immediate recognition of the principle of adult suffrage in the terms of reference of the Expert Franchise Committee that is hereafter to be appointed.

(5) *Joint Electorates.*—We are opposed to the continuance of separate electorates for communities divided according to religion or race. Our experience of the Indian Trade Union movement strengthens our conviction in the efficacy and soundness of not dividing the community on a religious or racial basis. Communal and racial feelings have had comparatively little influence on the movement and the workers are organised as an economic class, not as Hindus, Muslims or Untouchables. Our grave fear is that communal electorates, with the introduction of adult suffrage, will create a false division among the workers and break the solidarity of the working-class movement. If the workers are divided not on the basis of an economic class, but of religion or race into Hindus and Muslims and Christians, etc., their proportion of votes in every constituency will be considerably less than if they are allowed to vote together as an economic class, and they are bound to lose the effect and influence they would possess. The vast majority of the workers are illiterate and heavily in debt. Only a small number of the industrial workers is as yet organised, and so far as those engaged in agriculture and on the plantations are concerned, they have been practically untouched by the working-class movement. Under these circumstances it would be an intolerable handicap on the workers to force on them a system of electorates based on religion or race, the demand for which proceeds, not from them, but only from a small section of the educated classes. Moreover, this wrong division will throw a powerful barrier in the way of the development of the movement and prevent the organisation of political forces on an economic basis. The communal problem we hold is a problem of the past. The real problems of the future will be economic and social and it would be wrong to build the constitution in a manner which has no relation to the realities of to-morrow.

We would prefer a division of the electorates on an occupational rather than a communal or a territorial basis, in order to bring into the Legislatures elements which, because of their lack of organisation and influence, might fail to secure adequate representation. But the least we can do now is to oppose the extension of the principle of electorates based on religion or race to the workers as being detrimental to their interests.

Our position is that if adult suffrage is introduced on a basis of joint electorates, and no other special interests are recognised, Labour will not ask for a reservation of seats or the creation of special constituencies. But in the event of even one of these conditions failing to be fulfilled, Labour must have both.

So far as the total number of Labour seats is concerned, we ask for no weightage. But representation of Labour can and must be on the population basis; that is, ten per cent. in the Federal Legislature, and if the decision ultimately be in favour of a bicameral system, then in each House of the Legislature. With regard to the Provincial Legislatures also, the numbers will have to be ascertained in each Province, and the seats allotted in their proportion to the total population of the area.

I cannot do better than quote the following passage from the Report of the Royal Commission on Labour with which we entirely agree:—

The Whitley Commission's Report observes (p. 462)—

"There are several directions in which the adequate representation of Labour should benefit both itself and the community. In the first place, the presence of representatives able to voice the desires and aspirations of Labour and to translate these into concrete proposals is essential for the proper consideration of measures specially affecting Labour. But the welfare of Labour does not depend purely on what may be called labour measures; its good depends on the whole trend of policy and legislation. More adequate representation of Labour is necessary for its prospection in this respect, and, if given the opportunity, organised Labour can make a valuable contribution to the wise government of the Commonwealth. Further, the proper representation of Labour is itself educative; the recognition of its claims as a part of the body politic will bring increased responsibility and a sense of unity with the community as a whole. Conversely, exclusion of Labour from a fair share in the councils of the nation will inevitably drive it to rely unduly on other means of making itself felt with injury to itself and to the nation. What we have stated is applicable to labour generally, both agricultural and industrial, and those who have to deal with the representation of labour in detail will no doubt have regard to the whole field."

The Commission has also recommended, it is to be noted, that the principle of election should be substituted for that of nomination, and registered trade Unions should form special constituencies for the purposes of election. We accept these suggestions and trust that they will commend themselves to the Conference.

As regards agricultural and plantation labour, some other method of election will have to be devised, as there are no trade Unions among the workers of these two classes. But we do not think it will be impossible for the Expert Franchise Committee to make concrete suggestions on the point. The question is worth considering whether *Kisan Sabhas*, or organisations of agricultural workers, wherever they exist, may not be registered under a law analogous to the Trade Union Act and regarded as a special electorate. At all events, we ask the Conference to endorse, without qualification, the principle that these millions of workers are entitled to an adequate share in the government of their country.

November 13th, 1931.

APPENDIX XII.

MEMORANDUM FOR THE MINORITIES COMMITTEE.

By Sir Chimanlal Setalvad.

It is a thousand pities that the communal difficulties have not yet been solved by agreement of the parties concerned. It is essential for the smooth working of any self-government constitution for India that this matter should be settled by mutual goodwill and understanding and that a feeling of perfect security must be created in the minds of the minorities. But I am afraid that the present deadlock in the solution of the communal problem is being very much exaggerated and is being exploited in certain quarters for retarding the full constitutional advance which India demands.

A critical examination of the points of difference reveals that there is considerably more agreement than disagreement, and the controversial points are narrowed down to small proportions.

It is made to appear as if the Delegates belonging to the minority communities and the Delegates belonging to the majority communities are disagreed on almost every point. The fact is quite the contrary. There is really no difference of opinion on the question that proper safeguards must be provided for ensuring full religious liberty and protection of culture and personal laws of the minorities and that provision should be made against legislation affecting their religion, etc. Further, it is generally agreed that the minorities must be secured a proper share in the Services and, as far as practicable, in the Executive Government. In fact, formulas for these purposes were actually drafted and assented to by the representatives of the various communities last year and hardly anybody wants to go back upon them. The Services sub-Committee of the Conference last year in its Report recommended the text of the provisions to be made for securing to the minorities their proper share in the Services, etc.

As regards certain special demands of the Muslims, *e.g.*, the separation of Sindh and the status and constitution of the North-West Frontier Provinces, agreement was also reached to the satisfaction of the Muslims. As regards the Muslim claim for one-third representation in the Federal Legislature, there has been a general desire to agree to the same, and the question is merely one of method for securing the desired representation. Last year a formula was agreed to that the Muslims were to have one-third of the total number of elected members of British India and also one-third of any nominations of persons other than officials or members of any very small minority. The question of securing to the Muslims further seats so as to make up one-third of the total number of members was left for consideration in connection with the representation of the States. It should not be difficult to secure this by some convention with the States.

As regards the Muslim claim to be allowed the existing weightage in Provinces where they are in a minority there is not any appreciable opposition.

It will thus be seen that on all matters which are really vital and essential there is the largest measure of general agreement.

The disagreement extends to only two matters:—

1. Whether the Muslim and other minorities' representation is to be secured by means of separate electorates or by reservation of seats for them in joint electorates.
2. The allocation of seats in the local Legislatures of the Punjab and Bengal.

As regards the first question—namely, separate versus joint electorates—the question has been discussed threadbare both here and in India. It is obvious that in Provinces where the Muslims are in a minority their coming into the joint electorates is more in their interests and for their protection. Once effective safeguards are provided, as stated above, in the matter of religion, culture, personal laws, social practices, education, fair share in the public services, adequate representation in the Legislature, there is no clash or divergence of interest between the different communities, and it is really safer for the minorities to come into the joint electorates. For, unless the Muslim voters have a voice in the election of the majority community members, the former would have no hold on the latter. This has been recognised by important Muslim leaders such as H. H. the Aga Khan, Mr. Jinnah, and others, and if they are given reservation of seats they will be quite secure. But, whatever the real merits of this question may be, it is perfectly obvious that the Muslims cannot be forced against their wishes to come into the joint electorates.

If they want still to stick to separate electorates they must be allowed to have them. Keeping different communities in separate watertight compartments must inevitably prove a great obstacle in the evolution of national unity and national self-government and will render very difficult in practice the joint responsibility of the Cabinet. It is therefore urged that

separate electorates should not be extended farther than where they exist, and the other minorities should be secured their proper representation by reservation in joint electorates. What is hoped is that the Muslims and the Sikhs, after some experience of the new constitution of self-government for India, will see the advantage to themselves and the country of coming into joint electorates. It should therefore be provided that if at any time at least two-thirds of the Muslims' representatives in any Legislature decide in favour of joint electorates, thereafter joint electorates should be established for that Legislature. It is not therefore right to create at this juncture further separate compartments.

As regards the Depressed Classes, my sympathies and those of all right-thinking men are wholly with them. The treatment that they have received in the past and are suffering under even now reflects great discredit on the class Hindus who are responsible for the same; but it will not be patriotic for the Depressed Classes, because of their exasperation, to insist upon separate electorates. They should certainly be made secure by reservation of seats. The percentage of representation to be given to them must depend on various considerations—*e.g.*, the number of people available for the task—and not merely on the thumb rule of numerical proportion. At present in the Central Legislature they have only one seat, and that also by nomination. This is certainly wholly inadequate and unjust, and they should be given immediately a much larger number, to be progressively increased and brought up ultimately to their numerical proportion as by education and other means men fitted for this work become available.

The real and substantial points of disagreement are thus reduced only to the allocation of representation in the local Legislatures of the Punjab and Bengal. The discussions last year as well as this year show that Muslims may be satisfied if they are secured 51 per cent. representation in the Punjab and Bengal, which is less than their numerical proportion on population basis. The Hindus and Sikhs in the Punjab, and in Bengal the Hindus and Europeans (the latter community at present enjoys representation very much in excess of its numbers), must arrive at some adjustment. A question of a couple of seats here or there must not bar a settlement. If, however, communities concerned in these two Provinces are unable to reach agreement, surely their inability to arrive at an adjustment cannot be allowed to stand in the way of the country as a whole attaining self-government, when, as I have shown above, there is practically general agreement as regards all essential safeguards for minorities and there is no difficulty of allocation of representation in the Legislatures of all other Provinces. This particular and narrow issue should be left for decision by the Prime Minister and His Majesty's Government. There is no reason why the Muslims, Hindus, Sikhs, Depressed Classes and Europeans should not, without any hesitation, agree to abide by the decision of the Prime Minister. The Congress claims to be a non-communal body and to have a purely national outlook, and therefore it and its representative can have no objection to accepting any settlement which the communities concerned may arrive at by this method of decision by the Prime Minister. One tentative and rough-and-ready solution for allocation of seats in the Punjab and Bengal is to accept the Government of India's proposals about it with such variation as may be required in view of the latest census figures.

There is one aspect of joint and separate electorates which I earnestly wish to be considered. I believe there are among the Muslims an appreciable number who prefer joint electorates. There is no reason why those preferring to be in the joint electorates should be denied their liberty of thought and action because the majority of their community wish to have separate electorates. It should be made permissible for members of any community for whom separate electorates are provided to declare their desire to go into joint electorates and be allowed to do so. On such declaration they should be included in the joint register and should be allowed to vote and stand for election in the joint electorate; but such declaration, when made, must ever afterwards be final.

Such a provision will demonstrate the strength of the opinion of those who believe in joint electorates, and will also afford an avenue for ultimately absorbing everybody into joint electorates as the strength of opinion in favour of joint electorates progressively grows.

For the views put forward and the suggestions made by me I beg my brother Delegates' unprejudiced consideration. They are capable of further adjustment wherever necessary, and I implore all to put their heads together for a solution. I have no communal bias and I belong to no communal organisation.

November 9th, 1931.

APPENDIX XIII.

REPRESENTATION OF WOMEN IN THE INDIAN LEGISLATURE.

Memorandum by Mrs. Subbarayan.

The framing of a new constitution for India offers an opportunity for considering fully the question of the representation of women on the Indian Legislatures of the future. It is obviously desirable that the ordinary channels of election should be open to women; but the question arises as to whether there is any likelihood of their securing election through the ordinary poll. Even in Western countries, where it has long been the custom for women to take part in public affairs, very few of them even now secure election to the Legislatures. In India they have only recently begun to emerge into public life, and, moreover, they are in a peculiar position owing to the social disabilities to which they have long been subject. Consequently there is bound to be strong prejudice on the part of both men and women against their coming into the Councils. There are also almost insurmountable practical difficulties to their candidature, such as that few women have sufficient means to stand, that—in our vast electoral areas—it would be extremely difficult for them to tour, to get into touch with voters, etc. It seems obvious that, for a considerable time, until the public becomes sufficiently educated, it is extremely unlikely that women will be returned in India through the ordinary poll. And yet, especially during the first vital and formative years of the new constitution, when the foundations of our social and educational policy (which affect women so closely) and indeed of our policy in all matters, are laid, it will be most important to have women on the Legislatures. They should be there in particular to impress on the Legislatures the necessity for social legislation, which is so urgently required. But besides that contribution to public life, their presence on the Legislatures should be a means of educating the public and of cultivating in women a due sense of responsibility and administration. Mahatma Gandhi, whose knowledge of political conditions in India is unsurpassed, during his speech at the Federal Structure Committee on September 17th, visualised the possibility of women not being elected to the Legislatures, and indicated his belief that some arrangement should be made to meet this eventuality. If some special provision for securing their presence is not made, it is possible—indeed likely—that their claims will recede further and further into the background. It will have a great effect if, from the start, it is shown in practice as well as in theory, that the co-operation of women on the Legislatures is normal and desirable.

There is considerable support in India for the view that some special provision is necessary. I have received large numbers of letters from women doing important social and educational work in many parts of India, asking me not to fail to press this view on the Conference, otherwise I should have been slow to put it forward. Delegates have no doubt also received a Memorandum opposing it from three women's organisations in India—organisations whose views I sought last year, but was not fortunate enough

to secure. Their opposition is apparently based on the belief that, if equality of civic rights is granted to women in India, equality of opportunity in civic service will automatically follow, and that, owing to the part played by women in the recent political struggle, women now realise their strength and do not require special provision. These theories seem to me to be far removed from the realities of the situation. These three women's organisations are associations of importance, but I cannot admit that they speak for the entire womanhood of India. While welcoming the fact that the political struggle has brought many thousands of women out into public life, I feel it essential to acquire a true perspective of the whole picture, and to realise that there remain over a hundred and twenty million women and girls in India, who are still in a state of civic inertia, and who have not yet attained self-confidence or political consciousness. It is for the sake of this overwhelming majority of women that I believe special provision to be necessary. I am convinced that one practical step forward, which will ensure the presence of women on the Legislatures, working side by side with men as a normal feature of our political life, will do more for them than any theories of equality.

The opposition to special provision for women in this Memorandum is also based on the assumption that Adult Suffrage will come into existence. Even if Adult Suffrage is secured. I think the above arguments hold good. If, however, Adult Suffrage is not achieved, or only gradually achieved, then special provision will be all the more necessary.

I have given much anxious thought to the form which such special provision should take. Nomination is obviously unsuitable. The ordinary reservation of seats, involving separate electorates, appropriation of a share of existing seats, and a permanent claim to them, is equally undesirable. The solution which the Women's Delegation advanced last year (see Minorities sub-Committee proceedings, page 80)—namely, that the Legislatures themselves, after their own election, should for a temporary period elect a fixed proportion of women to Legislatures—still seems to me the most suitable. The suggestion then also made—that the proportion of women to be elected should be five per cent. of the elected Legislature, that the temporary period should be for three elections, and that the election of women should be made by proportional representation so as to avoid the complications of the communal question, also seem to me still to be the best fitted to the circumstances. I would, however, now—in order to meet the divergence of views among Indian women on this matter—make a further suggestion, namely, that such a scheme might be *optional* on all Legislatures, Central or Provincial, to adopt or not as they think fit.

It may well be that some other proposal better than the above outlined scheme—one that would attain the same end—may be devised, and in that case I would willingly accept it. In this matter, I regard myself as a member of no party, community or class, but simply as voicing the views of an educated and intelligent section of women's opinion in India, which believes special provision for women to be in the best interests of women in general and in those of the nation at large (which must inevitably be closely identified with women's interests). It does not seem to us that it is in the least derogatory to ask for such special provision to meet existing facts; nor can it be considered either a privilege or a favour. Indeed, membership of a Legislature, in our opinion, is a heavy responsibility and a duty rather than a privilege or a favour. If we are told that there is no analogy for such a proposal in the constitutions of other countries, I would urge that in this matter we should not be entirely guided by outside precedents. Indeed, the experience of women in other countries suggests that Indian women will be wise in taking steps to strengthen their political status from the very beginning of the new constitution. If such a special measure as has been suggested above for the initial and transitional period could be made, I feel that the position of women in the India of the future would be made secure.

November 11th, 1931.

APPENDIX XIV.

MEMORANDUM REPRESENTING THE VIEWS OF A NUMBER OF INDIAN WOMEN'S ORGANISATIONS.

Presented to the Conference by Mrs. Naidu and Begum Shah Nawaz.

We herewith beg to submit the official Memorandum jointly issued on the status of Indian women in the proposed new Constitution by the All-India Women's Conference on Education and Social Reform, the Women's Indian Association and the Central Committee of the National Council of Women in India. These three premier Organisations include the great majority of progressive and influential women of all communities, creeds and ranks who are interested in social, educational, civic or political activities, and are accredited leaders of organised public opinion amongst women.

This Manifesto, signed by the principal office bearers of these important bodies, may be regarded as an authoritative statement of representative opinion, duly considered and widely endorsed, on the case and claim of Indian women.

We have been entrusted with the task of presenting to the Round Table Conference their demand for a complete and immediate recognition of their equal political status, in theory and practice, by the grant of full adult franchise, or an effective and acceptable alternative, based on the conception of adult suffrage.

We are further enjoined to resist any plea that may be advanced by small individual groups of people, either in India or in this country, for any kind of temporary concessions or adventitious methods of securing the adequate representation of women in the Legislatures in the shape of reservation of seats, nomination or co-option, whether by Statute, Convention, or at the discretion of the Provincial and Central Governments. To seek any form of preferential treatment would be to violate the integrity of the universal demand of Indian women for absolute equality of political status.

We are confident that no untoward difficulties will intervene in the way of women of the right quality, capacity, political equipment and record of public service in seeking the suffrages of the nation to be returned as its representatives in the various Legislatures of the country.

We ask that there should be no sex discrimination either against or in favour of women under the new constitution.

Will you be so good as to treat our covering letter as part of the official document submitted to you on behalf of our Organisations.

November 16th, 1931.

MEMORANDUM ON THE STATUS OF INDIAN WOMEN IN THE PROPOSED NEW CONSTITUTION OF INDIA.

The All-India Women's Conference, The Women's Indian Association and The Central Executive Committee of the National Council of Women in India welcome and endorse the Declaration of the fundamental rights of citizenship in India under the future constitution drawn up by the accredited leaders of the Nation, namely:—

“Equal rights and obligations of all citizens, without any bar on account of sex.

No disability to attach to any citizen by reason of his or her religion, caste, creed or sex in regard to public employment, office, power or honour and in the exercise of any trade or calling.”

OBJECT OF THE PRESENT MEMORANDUM.

This Declaration of the fundamental rights of citizenship in India having been made, the recognition of women's equal citizenship in all matters relating to franchise, representation, or employment has become an accepted principle. The present Memorandum is, therefore, concerned only with the methods by which women may be enabled to exercise to the full their legitimate rights.

The women of India on the basis of their admitted and declared equality, demand that in actual practice no disqualifications or conditions shall be laid down which may hamper them in any way from the fullest exercise of the right of voting at public elections or offering themselves as candidates for seats on Legislative or Administrative institutions. Similarly, no impediments should be placed in their way in the matter of the holding of public office or employment which might, in effect, bar women from taking their full and equal share in civic rights and obligations.

FRANCHISE.

Present Conditions and the Necessity for the Demand.

The experience of women under the existing constitution makes the foregoing demand imperative. In spite of equality in theory, they suffer in practice from a grave inequality owing to the right of voting being conditioned by property-holding or other similar qualification, ordinarily inaccessible to women in India. Though the resolution of the Indian National Congress declares for an immediate acceptance of the principle of adult suffrage, it may be argued nevertheless, that the first step towards the adoption of that principle might require, for its successful practice, the conditioning of the exercise of the right by some qualification of the type above mentioned. However, we cannot but point out that, though the theoretical equality of men and women citizens might conceivably be maintained under such a practice, the position of women will inevitably be rendered wholly unequal under the existing social systems, it being generally recognized that very few women hold or own property in their own name or right.

Again, even if the property qualification for voting or candidature is made nominal, women are likely to suffer as long as our social systems remain as they are.

As compared with men, very few women would have even nominal property in their own names and right, and since a very considerable proportion of the adult women of India is either married or widowed, the voting rights of all such would, on a property basis of any kind have to follow the corresponding rights of their husbands.

There is yet another difficulty to be considered in this connection. Even if the franchise system permits a wife or widow to enjoy the same voting rights as the husband, this position will not commend itself to the educated and thinking women of India, inasmuch as it makes the citizenship of woman contingent on her relationship—past or present—to a man, for a very large proportion of women. We are strongly of opinion that *the Elementary Rights of Women as human beings should not be based on an extraneous factor like Marriage.*

If a literacy test of any kind is introduced as a condition precedent for the exercise of civic rights, women will be placed at a still greater disadvantage, for the obvious reason that there are many more literate men than women.

Moreover, if as is likely and necessary, some age limit is fixed for the exercise of such rights, the handicap on women will be still further increased, for relatively speaking there are fewer literate women above the voting age than below it.

Therefore, the conditioning of the right of franchise, either by property or literacy qualifications, would be *fundamentally inconsistent with the Declaration of Rights above quoted.*

In these circumstances, the All-India Women's Conference, the Women's Indian Association and the Central Executive Committee of the National Council of Women in India, consider the immediate, unqualified and unconditional adoption of the principle of *Adult Franchise* to be the best and most acceptable mode of assuring and securing political equality between the men and women of this country. They unhesitatingly consider all conditions or qualifications, or tests for the exercise of this right, whether based on property or literacy, to be needless impediments in the way of the enjoyment by women of civic equality.

Accordingly they recommend that:—

Every man or woman of the age of 21 should be entitled to vote and to offer himself or herself as a candidate at any election to an Administrative or Legislative Institution.

REPRESENTATION.

We are confident that, if this practical equality is secured for women in the matter of Franchise, they will be able to find their way into the Legislative and Administrative Institutions of the country through the open door of ordinary election.

No special expedients for securing the presence of women on these bodies, such as reservation, nomination or co-option would then be necessary.

The Women of India have no desire to seek any specially favoured treatment for themselves, provided that their full and equal citizenship is recognized in practice as it is in theory.

PUBLIC SERVICES AND EMPLOYMENT.

It is but a corollary to this practical equality between men and women that women should be eligible, in the same way as men and on the same conditions, for all grades and branches of the Public Services, as they are entitled, under the Declaration of Rights, to equality in the exercise of all trades, professions and employment.

DISQUALIFICATIONS.

As distinguished from the qualifications, etc., for voting, in which the women of India demand an absolute and effective equality, the disqualifications for the exercise of civic rights should be based on purely personal grounds.

Thus, the fact of a woman's relationship to a man or the disqualification, if any, attaching to her male relative of any degree, should in no way prevent her from exercising to the full her legitimate rights.

August, 1931.

APPENDIX XV.

COMMUNAL REPRESENTATION.

Memorandum by Sir Provash Chunder Mitter.

As the Minorities Committee will meet soon, I think that as the sole Hindu representative from Bengal on that Committee, I ought to place the position with regard to Bengal before my fellow Delegates.

The claims on behalf of the different minorities have been put forward as follows:—

	Per cent.
In the first two cases I am ignoring decimals—	
Muslims	55
Backward Classes	25
European Communal	5
Indian-Christians	3
Anglo-Indians	2
Total	<hr/> 90 <hr/>

Since then I have seen it stated in the Press that Mahatma Gandhi offered 51 per cent., instead of 55 per cent., to the Muslims. The above claims do not take into account the claims for class seats. So far as I am aware the claims for class seats are:—

	Per cent.
British (at present they have 11 in a House with 114 elected members)	10
Labour (a number of seats, but I am not aware of the actual percentage claimed)	
Indian Trade and Commerce	5
Landlords	7½
Universities	2
Total	<hr/> 24½ <hr/>

It will appear from the above that if all these claims are admitted or accepted, the total is considerably over 100 per cent., and that the Hindus (other than the Backward Classes) whose population runs into many millions, will not have any seats from the general electorate.

This position, of course, is untenable, and a mere statement of facts will show what the position is.

Although I am the sole Hindu representative from Bengal on the Minorities Committee, no offer has yet been made to me, nor even was the question discussed either with me or with any of my Hindu fellow Delegates from Bengal who are not on this Committee, by the Muslim group. I was, however, told a few days ago by one of the Muslim representatives from Bengal that the Muslim delegation is of the opinion that the question should be settled on an All-India basis.

November 11th, 1931.

SUPPLEMENTARY MEMORANDUM BY SIR PROVASH CHUNDER MITTER.

With reference to the claim of the Muslims regarding a statutory majority of the whole House on the basis of communal electorates, I desire to put on record that before I left India I consulted Hindu-elected members of the Bengal Legislative Council, members of the Executive Committee of the

Indian Association (an important and old-established association founded by the late Sir Surendra Nath Banerjea and other leaders in 1875), and the Executive Committee of the British Indian Association (the oldest political association in Bengal, being established in 1851). I also consulted some prominent Congressmen with whom I could get into touch. I found that Hindu public opinion was strongly against acceptance of the claim of the Muslims for a statutory majority of the whole House.

I also consulted Hindu public opinion in Bengal as regards joint electorates with reservation of seats, and I found that, generally speaking, Hindu public opinion was strongly in favour of joint electorates with such reservation. I understand, however, that the Muslim Delegation, who are organised as a party on an all-India basis under the leadership of H. H. the Aga Khan, are not prepared to deviate from the claim for communal representation, so I refrain from placing the details of Bengal Hindu opinion regarding adjustment of the communal question on the basis of joint electorates with reservation of seats. I may mention in this connection that although I am the sole Hindu representative from Bengal on the Minorities Sub-Committee, I was never asked by the Muslim Delegation to discuss the Bengal communal question with them; I may add that I tried to convey the information that I was quite willing to discuss the matter.

I will next refer to the claims of the different minorities and class interests. These claims, as originally put forward, were as follows:—

	<i>Per cent.</i>
In both these cases I am ignoring decimals—	
Muslims	55
Backward Classes	25
European Communal	5
Indian-Christians	3
Anglo-Indians	2
	—
Total	90
	—

In the claims so put forward, the claims for class seats were not specifically discussed, but so far as I am aware the claims for class seats are:—

	<i>Per cent.</i>
British (at present they have 11 in a House of 114 elected members, over and above 5 communal seats)	10
Labour (a number of seats, but I am not aware of the actual percentage claimed)	—
Indian Trade and Commerce	5
Landlords	7½
Universities	2
	—
	24½ (excluding Labour).
	—

It will appear from the above that if all these claims are admitted or accepted the total is considerably over 100 per cent., and that the Hindus (other than the Backward Classes), whose population runs into many millions, will not have any seats from the general electorate. This position is, of course, untenable, and a mere statement of the facts will show what the position is.

Since these claims were put forward, a joint Note has been circulated over the signatures of H.H. The Aga Khan on behalf of the Muslims, Dr. Ambedkar on behalf of the Depressed Classes, Rao Bahadur Pannir Selvan on behalf of the Indian Christians, Sir Henry Gidney on behalf of the Anglo-Indians, and Sir Hubert Carr on behalf of the Europeans. The arrangement for division of seats put forward in this joint Note is totally unacceptable to the Hindus of Bengal. My personal opinion is, and I say this from my 37 years' experience of the public life of my Province, that if this scheme is accepted then the consequences will be disastrous. It will mean the increase of direct action, and more physical conflict between the two communities. I have stated my views on the point in a short speech before the Federal Structure Committee on November 18th, 1931. I do not, for the sake of peace which I value so much, desire to elaborate the reasons which induced me to come to the conclusion mentioned above. I may add that I do not belong to the Hindu Mahasabha movement, and I genuinely believe that adjustment of the Hindu-Muslim question on some workable basis is a *sine qua non* of political progress in India.

As the Hindus, Muslims and Sikhs have not been able to come to an agreed decision, we have to consider and advise His Majesty's Government as to what is to be done. I still adhere to the opinion I expressed in my short speech to the Federal Structure Committee on November 18th, that the best course will be to send out a small Commission to find out the facts. That Commission should have Indians associated with it, and may well consist of three British statesmen and two Indian judges, one a Muslim judge and the other a Hindu judge. The Indian representatives should not be political people, because every politician has his own views on the matter. As, however, an objection has been taken by an eminent Indian to associate judges with Commission, I am quite willing to accept a slight modification of my original suggestion, by putting forward a further suggestion that, instead of having judges actually holding office, we may have judges who have retired from office, but without intending any disrespect to the political men of India, I do insist that the inclusion of political men will go a long way to defeat the object I have in view. I have already explained in my speech that sending out a Commission of the nature indicated should not hold up the announcement, nor the drafting of the Act, nor any other relevant work in connection with constitutional advance.

I would conclude this Memorandum by suggesting certain general considerations of an important character, which should be taken into consideration in case His Majesty's Government are disinclined to send out a Commission of the nature indicated.

So far, four important schemes were before the public, namely, the Congress scheme, the Communal Muslim scheme, the Nationalist Muslim scheme and the Hindu Mahasabha scheme. The unfortunate part is that the Hindus do not agree to the Communal Muslim scheme, and the Muslims do not agree to accept any of the other three schemes. Further, on the Hindu side there is a difference of opinion with regard to the Congress scheme and the Hindu Mahasabha scheme. The net result is that the two communities have been unable to come to an agreed decision. Further, there is to my mind a common defect in all the four schemes, namely, that if any of these schemes are accepted it will mean that in some Provinces there will be a Hindu majority, in others a Muslim majority (perhaps on account of the disposition of the population this is inevitable), but no practical suggestion has been made in any of these schemes by which the minority in any Province—to whichever community that minority may belong—will be in a position

to effectually influence the members of the Legislature who may be returned on the votes of the majority community. For that reason I submit that some new method had better be explored. One such method which, in my opinion, may well be worth considering, although I realise that unless the two communities agree to explore the method for the sake of peace it will serve no useful purpose to press this method, is as follows :—

1. In constituencies where less than 10 per cent. of the total number of voters belong to the Hindu or the Muslim community, in the counting of votes each vote of the minority community will count as two, both with regard to the election of the Hindu or of the Muslim candidate.
2. In constituencies where 10 per cent. but not more than 30 per cent. of the total number of voters belong to the Hindu or the Muslim community, in the counting of votes the votes of the minority community will be increased by 50 per cent. (that is to say, each vote will count as $1\frac{1}{2}$ votes) both with regard to the election of the Hindu or of the Muslim candidate.

Another suggestion that I venture to put forward is that this baffling problem will be easier of solution if, instead of attempting to solve it on an all-India basis, we try to solve it Province by Province. Not only will such a line be more consonant with realities, but we are likely to meet with less difficulty if we try to solve the problem Province by Province. In support of my suggestion regarding the settlement of the problem Province by Province, I would point out that the real difficulty to-day is about the Provinces. The difference between the two communities as regards the all-India Legislatures is neither so great nor so determined as that with regard to some of the Provinces.

Another objection that I have to the four schemes mentioned above is that as under those schemes in a number of Provinces one community will be in a majority, without the minority community being in a position to more effectually influence the members who are returned to the Legislature by the majority community, it is extremely likely that pressure will be brought to bear on Ministers who will depend on the support of the majority community. Such pressure may lead to the oppression of the minority community, or if not actual oppression, the minority community may work itself up to the belief that it is oppressed. If such a state of things arises in one Province where one particular community may be in a majority, it is extremely likely that we shall have the reaction of such a position in other Provinces where the other community is in a majority. If such a contingency arises, then the whole of India may be brought into the vortex of communal passion and communal conflict.

I therefore suggest that the best course will be to appoint a small Commission of the nature of the one I have indicated above. Such a Commission will not only be in a better position to ascertain materials which are lacking to-day, but they will also be in a better position to find out how the larger number of representatives who will be available in India will accept a particular kind of electoral arrangement. After all, none of us should forget that the question before us is not a question of the division of a purse or a property belonging to an individual, but the question before us is how the masses belonging to two great communities will agree to work the electoral arrangements in order to evolve a system of responsible government based on persuasion and discussion, and not on coercion or physical conflicts.

In conclusion, I would make a further suggestion, namely, that whatever decision may be arrived at, it should be on the basis of the seats reserved for general constituencies, and should not be on the basis of a percentage of the whole House. The Simon Commission, as well as the Government of India, proceeded on this basis. Many of the difficulties will be avoided if we give up the idea of a majority or a minority of the whole House. Further, what we are discussing really appertains to the general constituency seats

and not to special or class seats. In this connection there is another point which should be mentioned, namely, that seats for Europeans, Anglo-Indians and Indian-Christians, should, in every Province come from the majority community and not from the minority community. As regards other class seats like Labour, Landlords, Indian Trade and Commerce (but not British Trade and Commerce), the seats may well come from both the communities, although in point of fact at a particular stage of the development of a particular Province one community may have an advantage over the other. There is no reason, however, why—given the necessary self-help without which no real political progress is possible—such an advantage should be of more than a temporary nature.

20th November, 1931.

APPENDIX XVI.

THE COMMUNAL PROBLEM IN THE PUNJAB.

*Memorandum by Sir Geoffrey Corbett
(circulated at the request of Mr. M. K. Gandhi).*

The communal problem in the Punjab may be stated as follows:—

A. The Muslims, being a majority of the population, claim to have a majority in the Legislature. For this they consider separate electorates to be necessary, because their numerical majority is not sufficient to outweigh the greater wealth and influence of other communities, to which the Muslim ryots are stated to be heavily indebted.

B. The Sikhs would prefer joint electorates. But if the Muslims have separate electorates, the Sikhs claim—

(a) that Muslim representation by separate electorates must be less than 50 per cent. of the whole Legislature;

(b) that the Sikhs must also have separate electorates with substantial weightage, as claimed by Muslims in Provinces where they are a minority.

C. The Hindus desire joint electorates, but they are willing to accept any compromise which satisfies the following principles:—

(a) There must be no reservation of seats for a majority community which would give it a "statutory majority" in the Legislature;

(b) The reservation of seats for a minority community must not be less than its population basis, that is, weightage must not be conceded to other communities at the expense of a minority community.

2. It cannot be said that any one of these claims is unreasonable, or should properly be abandoned. The fact is that in the Punjab as now constituted the communities are so distributed that their legitimate claims are irreconcilable. There is no margin for allowances, and a solution becomes mathematically impossible. Further, a solution that is dependent on population percentages can have no finality, but must be subject to revision at each ensuing census. The problem has indeed been substantially affected even since the last Session of the Conference by the publication of the recent census figures.

3. If then a solution is practically impossible in the Punjab as now constituted, the logical remedy would be to re-adjust the boundaries of the Punjab. It would be unwise and unjustifiable to "jerrymander" provincial boundaries for communal purposes. There is, however, a demand for a general redistribution of Provinces. To quote Chapter IV of the Nehru Committee's Report, "the present distribution of Provinces in India has no rational basis. It is merely due to accident and the circumstances attending the growth of the British power in India". The resultant Provinces, though possibly convenient for the purposes of British rule, are not necessarily suitable units for responsible self-government. Redistribution should be considered on the following grounds:—

(a) linguistic, ethnical and historical;

(b) economic, geographical and administrative.

I propose now to approach the Punjab problem from this point of view, without regard to communal considerations.

4. Historically the Ambala Division is part of Hindustan; its inclusion in the Province of the Punjab was an incident of British rule. Its language is Hindustani, not Punjabi; and its people are akin to the people of the adjoining Meerut and Agra Divisions of the United Provinces rather than to the people of the Punjab.

Economically, the most important factor in the life of an agricultural people is irrigation. It is administratively desirable that an irrigation system should be controlled by a single provincial Government. Otherwise there will inevitably be disputes about the distribution of water, involving perhaps a permanent inter-provincial Irrigation Commission or the intervention of the Federal Government. The Ambala Division is not irrigated from the Five Rivers, but from the Jumna system, on which the adjoining districts of the United Provinces also depend. But the Simla district and the north-west corner of the Ambala district, which are watered by the Sutlej, and contain the head-works of the Sirhind canal, should remain in the Punjab.

5. It is fair to assume, therefore, that in any rational scheme for the redistribution of Provinces the Ambala Division, less the Simla district and the north-west corner of the Ambala district, would be separated from the Punjab. The unwieldy United Provinces might also be divided into a western Province of Agra, which would include the Ambala Division, and an eastern Province of Oudh; but this is a matter which is beyond the scope of this memorandum. It remains to be considered how such a reconstitution of the Punjab would affect the communal problem.

6. The population of the new Punjab would compare with the population of the existing Punjab as follows:—

(Figures in thousands.)						
			<i>As now constituted.</i>		<i>Without Ambala Division (less Simla).</i>	
			Per cent.		Per cent.	
Muslims	.	.	11,444	55·8	10,445	61·8
Hindus	.	.	6,579	31·8	3,997	23·6
Sikhs	.	.	2,294	11·1	2,187	12·6
Others	.	.	367	1·8	324	2·0
			<hr/> 20,685 <hr/>		<hr/> 16,903 <hr/>	

The figures of the 1921 census have been taken, because the district communal figures of the 1931 census are not yet available. The figures of the 1931 census for the Province as now constituted are as follows:—

	(Figures in thousands.)	Per cent.
Muslims	13,332	56.5
Hindus	6,728	28.6
Sikhs	3,064	12.0
Others	467	1.9
	<hr/> 23,531 <hr/>	

It follows that the total population of the new Punjab would be about 19 millions, and the percentages of Muslims and Sikhs would be somewhat higher than the 1921 percentages.

7. To what extent, then, would it be possible in the reconstituted Province to satisfy the claims of each community, as stated at the beginning of this memorandum?

A. The Muslims, being 62 per cent. of the total population, would be sure of a majority in the Legislature through territorial constituencies with joint electorates, without reservation of seats, provided that the qualifications for the franchise were so determined as to reflect their numerical strength in the electoral roll.

The Franchise sub-Committee and the scheme of the Congress Working Committee have already recommended that the franchise should reflect in the electoral roll the proportion in the population of every community.

The basis of territorial constituencies with joint electorates would naturally be the existing administrative districts. The western districts of the Punjab are predominantly Muslim and the eastern districts are predominantly Sikh and Hindu. Excluding Simla, which has a population of only 45,000, and may be grouped for electoral purposes with the adjoining hill district of Kangra, there are now 28 districts in the Punjab; and in 15, or 53 per cent., of them, the Muslims are more than 60 per cent. of the population. Without the Ambala Division, there would be 23 districts; and in 15, or 65 per cent., of them, the Muslims would be more than 60 per cent. of the population.

B. The Sikhs would have the joint electorates which they prefer, and through which they feel that they can best exercise their influence. They would no longer require separate electorates or weightage. Further their numerical strength would be relatively increased from 11.1 per cent. of the population in the province as now constituted to 12.6 per cent. according to the figures of 1921, and about 15 per cent. according to the figures of 1931.

C. The solution satisfies the two principles within which the Hindus are willing to compromise; there would be no "statutory majority" by reservation of seats, and no weightage at the expense of a minority community. The Hindu proportion of the population would be substantially diminished, but they would have the joint electorates which they desire, and through which, in their view, a minority community is best able to exercise its influence.

October 12th, 1931.

R.T.C.—III

F

PUNJAB—1921 CENSUS.

(Population in thousands.)

Districts.	Hindus.	Per cent.	Muslims.	Per cent.	Sikhs.	Per cent.	Others (Mostly Christian).	Per cent.	Total.
<i>Rawalpindi Division.</i>	309	8.9	2,973	86.1	153	4.4	26	0.7	3,461
(1) Gujrat . .	63	7.7	710	86.3	49	5.9	2	—	824
(2) Shahpur . .	82	11.4	596	82.8	30	4.2	12	1.6	720
(3) Jhelum . .	35	7.3	423	83.7	19	4.0	—	—	477
(4) Rawalpindi . .	57	10.0	470	82.6	32	5.6	10	1.8	569
(5) Attock . .	26	5.1	466	91.0	20	3.9	—	—	512
(6) Mianwali . .	46	12.8	309	86.4	3	0.8	—	—	358
<i>Multan Division.</i>	622	14.8	3,246	76.9	290	6.9	60	1.4	4,218
(7) Montgomery .	95	13.3	513	71.8	96	13.5	10	1.4	714
(8) Lyallpur . .	181	18.5	595	60.7	161	16.5	42	4.3	979
(9) Jhang . .	85	14.9	475	83.3	9	1.6	1	0.2	570
(10) Multan . .	134	15.1	732	82.2	18	2.0	6	0.7	890
(11) Muzaffargarh .	70	12.3	493	86.8	5	0.9	—	—	568
(12) Dera Ghaza Khan.	57	12.2	411	87.6	1	0.2	—	—	469
Biloch Trans- Frontier Tract.	—	—	27	—	—	—	—	—	27
<i>Lahore Division.</i>	1,124	22.4	2,849	57.1	813	16.3	211	4.2	4,997
(13) Lahore . .	256	22.6	648	57.4	180	15.9	47	4.1	1,131
(14) Amritsar . .	204	22.0	424	45.6	287	30.9	14	1.5	929
(15) Gurdaspur . .	259	30.4	423	49.6	138	16.2	32	3.8	852
(16) Sialkot . .	218	23.2	581	62.0	75	8.0	64	6.8	938
(17) Gujranwala . .	102	16.4	443	71.0	51	8.2	28	4.4	624
(18) Sheikhupura .	86	16.5	331	63.3	83	15.9	23	4.3	523
<i>Jullundur Division (+ Simla).</i>	1,942	45.9	1,377	32.7	881	20.8	27	0.6	4,227
(19) Kangra and Simla.	755	93.1	45	5.6	3	0.4	8	0.9	8.11
(20) Hoshiarpur . .	500	54.0	289	31.2	133	14.3	5	0.5	927
(21) Jullundur . .	245	29.8	367	44.6	206	25.0	5	0.6	823
(22) Ludiana . .	136	24.0	193	34.0	236	41.5	3	0.5	568
(23) Ferozepore . .	306	27.9	483	44.0	303	27.6	6	0.5	1,098
<i>Ambala Division. (less Simla).</i>	2,582	68.3	999	26.4	157	4.2	44	1.1	3,782
(24) Hissar . .	548	67.1	216	26.4	46	5.6	7	0.9	817
(25) Rehtak . .	630	81.6	125	16.2	1	0.1	16	2.1	772
(26) Gurgaon . .	460	67.5	217	31.8	1	0.1	4	0.6	682
(27) Karnal . .	573	69.1	236	28.5	12	1.4	8	1.0	829
(28) Ambala . .	370	54.2	206	30.2	98	14.4	8	1.2	682
Punjab (Total)	6,579	31.8	11,444	55.3	2,294	11.1	368	1.8	20,685

APPENDIX XVI.A.

NOTE ON THE REDISTRIBUTION OF THE PUNJAB.

By Raja Narendra Nath.

Sir Geoffrey Corbett's scheme of the separation of Ambala Division from the Province as at present constituted, is unacceptable to me for the reason for which the Sikh scheme of partition is unacceptable to the Muslims. The Sikh scheme reduces the Muslim population from 56 per cent. at present to 44 per cent. in the new Province. Sir Geoffrey's scheme reduces the Hindu population from 29 per cent. to 23 per cent.

I have not been able to ascertain the views of the Hindus in various parts of the Punjab. I do not know what the Hindus of the Western Punjab may have to say to their being joined on to N.W.F.P. But if the new Province is formed as proposed by the Sikhs, reservation of seats for the Hindu minority on the basis of population will be absolutely necessary.

I find that Sir Geoffrey Corbett's scheme which appeared to have been received with delight by the Muslims here, is unacceptable to the Muslims of U.P. On the whole I think that partition of Punjab will afford no solution of the Communal problem. All partition schemes should in my opinion be shelved.

November 13th, 1931.

APPENDIX XVII.

A SCHEME OF REDISTRIBUTION OF THE PUNJAB.

Memorandum by Sardar Ujjal Singh.

According to 1921 census, the Punjab has a total population of 20,685,024.

The Muslim and Sikh population in the five divisions into which Punjab is divided for administrative purposes is as follows:—

	<i>Muslim.</i>		<i>Sikh.</i>	
	Population.	Per cent.	Population.	Per cent.
Ambala Division . . .	1,006,000	26·3	158,000	4·2
Jullundur Division . . .	1,370,000	32·8	886,000	21·0
Lahore Division . . .	2,849,000	57·0	813,000	16·2
Multan Division . . .	3,246,000	76·9	290,000	6·9
Rawalpindi Division . . .	2,973,000	86·0	183,000	4·9

It is clear from the above table that Rawalpindi and Multan Divisions are overwhelmingly Muslim divisions. There are two districts, however, in Multan Division, namely, Lyallpur and Montgomery, which are colony districts. A considerable population of the central Punjab has settled down there. The Sikhs being good colonists have settled in fairly large numbers in those two districts, as they constitute 13·4 per cent. of the population in Montgomery district and 16·4 per cent. in Lyallpur District. The Muslim population in these two districts is 71 and 60 per cent. respectively. A great portion of the Muslim population in these two districts also has migrated from the Central Punjab.

A glance at the map of the Punjab and N.W.F.P. will clearly show that all the districts excepting Lyallpur and Montgomery, which are more centrally situated in the two divisions of Rawalpindi and Multan, run along the N.W.F. Province and Baluchistan. In some of these districts people speak language which is almost similar to the language of the adjoining Frontier district.

Dera Ghazi Khan district is inhabited by people who have common language, custom and religion with the population in Baluchistan. Campbellpur, Mianwali and Muzaffargarh districts have little if any difference from the people of the adjoining Frontier district of Dera Ismail Khan. Punjab Province as we find it to-day was never one Province consisting of all these districts prior to its annexation by the British. Some of these Western districts were conquered and brought under the then Lahore Government by Maharaja Ranjit Singh.

It is suggested therefore that the two Western divisions of Rawalpindi and Multan, minus the Lyallpur and Montgomery districts, be detached from the Punjab and amalgamated with N.W.F.P.

Such a redistribution of the Punjab will serve a double purpose. It will in the first instance give the Sikhs such a proportion of population as will provide for them a protection without claiming any weightage or reservation. The population of the Province after excluding these two Western divisions will be more evenly distributed among the three communities. The Mussalmans will be 48·3 per cent., Hindus 42·3 per cent., and Sikh 14·4 per cent. In such proportions parties on other than communal lines will find ample scope for development. The Sikhs in that case will claim no weightage nor any reservation of seats, and at the same time will not grudge any weightage to be given to Muslim minorities in other Provinces. Of course an equivalent weightage will be allowed to the Hindu and Sikh minorities in the N.W.F.P. and Sind, if separated.

It will be seen that in such a redistribution the Sikhs will not be gainers so far as the amount of their representation goes. The Muslims will still be the strongest individual group. But Sikhs do not want any gain or domination. What they want is that their representation should be such as to enable them to make an effective appeal to the other community if any one of these groups tries to tyrannise over them.

The second advantage of this redistribution would be that N.W.F.P. by the addition of ten districts with a population of 6 millions, will become a fairly large province, fully entitled to the status of a Governor's Province. The total population of this enlarged Frontier Province will be over 8 millions, with Muslims forming 87 per cent. of the population. It will be able to bear its burden of expenditure which provincial self-Government will necessitate and which the existing N.W.F.P. cannot possibly meet. If, however, the amalgamation with N.W.F.P. be not acceptable, these Western districts can form a separate Province.

All sections of the Sikh community are unanimously of the opinion that they will in no case agree to the domination of a single community in the Punjab, if it is not reconstituted on the above lines. Their population has risen from 11 to 13 per cent., which corresponds approximately to the Muslim population in U.P. Whereas the Muslims of U.P. are enjoying over 81 per cent. representation, the Sikhs have had to put up with an 18 per cent. representation on the Punjab Council. The Sikhs have been rightly claiming 30 per cent. representation. Their claim has been strengthened by the rise in their population. The Mussalmans should not in justice deny to the Sikhs the same rights which they are enjoying in their minority Provinces and are trying to strengthen further in India as a whole by other proposals.

The Sikhs have suggested an alternative and give the choice to the Muslim brethren. Either weightage to an extent of 30 per cent. with no single community in majority or the redistribution of the Punjab.

If neither of the two solutions is acceptable the Sikhs will not accept any constitutional advance in the Punjab. Let the rest of India go ahead and let the Punjab be administered by the Central Government. This is the considered opinion of the entire Sikh community whether Nationalists, Moderates or Loyalists.

These sentiments were expressed to Mahatma Gandhi in Delhi and were conveyed to the Viceroy in the address presented to His Excellency by the Sikhs in July last.

1921 CENSUS FIGURES

	<i>Total Population.</i>
Multan Division	4,218,860
Rawalpindi	3,460,710
Multan Division, minus Lyallpur and Montgomery	2,625,111
979,963 + 713,786	
1,693,249	
	<hr/> 5,985,821 <hr/>

PUNJAB WHEN RECONSTITUTED.

	<i>Total Population.</i>	<i>Muslims.</i>	<i>Sikhs.</i>	<i>Hindus and Others.</i>
Ambala Division	3,526,615	1,006,159	158,208	—
Jullundur Division	4,181,898	1,369,648	879,658	—
Lahore Division	4,997,441	2,848,800	813,310	—
Lyallpur District	979,463	594,917	160,821	—
Montgomery District	713,786	513,055	95,520	—
	<hr/> 14,699,203 <hr/>	<hr/> 6,332,579 <hr/>	<hr/> 2,107,512 <hr/>	<hr/> — <hr/>
		<hr/> 48·3% <hr/>	<hr/> 14·4% <hr/>	<hr/> 42·3% <hr/>

N.W.F. PROVINCE ENLARGED.

	<i>Total Population.</i>	<i>Muslims.</i>	<i>Sikhs.</i>	<i>Hindus. and Others.</i>
Existing N.W.F.P.	2,471,527	2,250,859	47,935	173,203
		<hr/> Total	<hr/> 221,138	<hr/> 9%
Rawalpindi Division	3,460,710	2,973,371	152,956	334,383
Multan Division, minus Lyallpur and Mont- gomery Districts	2,525,111	2,138,371	33,639	353,101
	<hr/> Total	<hr/> 7,362,131	<hr/> 234,530	<hr/> 860,687
		<hr/> Total	<hr/> 1,095,217	<hr/> 13%

APPENDIX XVIII.

MEMORANDUM ON THE "PROVISION FOR THE SETTLEMENT OF THE COMMUNAL PROBLEM" (APPENDIX III).

By Dr. S. K. Datta.

This morning brought me a copy of the document entitled "Provision for a settlement of the communal problem put forward jointly by Muslims, Depressed Classes, Indian Christians, Anglo-Indians and Europeans." The signatories are five in number, and they assert that the proposals made by them may be taken as being acceptable to well over a hundred and fifteen millions of people. No claim to the support of a unanimity so wild in its scope has yet been made by any other group of persons at the Conference. As a member and a representative of one of the communities whose consent has apparently been given, I feel it incumbent upon me to make it clear why I am unable to support the provisions as a whole.

Certain of the matters on which an agreement has been arrived at would be acceptable to me, such as the provisions assuring religious liberty and the protection of Minorities against discrimination in the matter of civic rights. On such fundamental principles there can be no doubt of the support of the entire Christian community, but on the other highly controversial points brought forward, it is impossible to conceive of a unanimity of support. The Indian Christian community, which numbers nearly six millions, including those in the Indian States, is scattered throughout India, a substantial number being included in the population of the Madras Presidency. Now the vast majority of these Christians belong to the class of landless agricultural labour, and their kinsfolk are still included among the Depressed Classes of India whose interests have not been wholly overlooked at this Conference. From personal knowledge I would assert that the majority of them, because of poverty and the comparatively high franchise qualifications have little or no knowledge of the electorate and are incapable of judging the merits of communal and general electorates. Thus in the Madras Presidency, out of 1,726,000 Indian Christians, a number of 26,000 only are included on the voters' roll to-day. My duty as I see it is to accept only such proposals as I conceive to be in the best interests of all.

This document has been signed by what are termed Minorities, but it is not yet clear upon what the Minority grouping is based. It would seem to be accepted that the basis of a community is the profession of a particular religion. If this were true then it would follow that Indian Christians, Europeans and Anglo-Indians should be classed together as one community, but any attempt to unite them would immediately be resented. This would seem to indicate a second possible basis for a community, namely, race, since the Christian community is to be sub-divided again on the basis of race, each sub-division demanding special, if not specific, protection. The Depressed Classes have their own basis of classification; they profess the Hindu religion but assert that they are the victims of its social tyranny. Hence, while professing the same religion, they ask for protection against the majority of their co-religionists. As the result of these demands the fragmentation of India is proceeding apace.

But if we accept the present grouping of the Minority communities, the Memorandum has yet failed to consider fully the fundamental problem of what the minorities really desire to protect, and of how they may best protect these interests. If the signatories and their supporters had discussed these matters more fundamentally it might possibly have been shown that the interests it was desired to protect might best have been protected not by the separate electorate but by some other method. In the matter of electorates alone it might be considered whether if the minorities, say in the Madras Presidency, desired to protect themselves against Hindu domination they would not have better results by combining themselves into an electorate consisting of Muslims, Christians, Europeans, Anglo-Indians and Depressed

Classes. You would then have in the Legislature a bloc of members who could effectively deal with the Hindu majority. In the Punjab it might be otherwise, where Hindus, Sikhs, Christians and Europeans, as well as Depressed Classes, might be elected from a common register, thus effectively creating an opposition to the Muslim majority. Apart from the question of electorates, too, is it not possible that the best interests of the Depressed Classes might be best served by statutory provision making liberal financial grants for education purposes, administered by a trust incorporated by legislative measure?

At the time of the Morley-Minto Reforms special electorates were created for certain groups of Muslims. They were small in number and limited in scope. Under the Government of India Act of 1919 the special electorate was extended to the Muslims and to certain other communities, Anglo-Indians, Europeans, Indian Christians and Sikhs. The scope with regard to the Indian Christians was limited to the Madras Presidency. Under the aegis of the Muslim community it is now proposed to extend the application of the principle over a wider area, and to increase the number of candidates elected by this method.

Some of my colleagues, including one of the signatories of this document, have made it evident that they hope this regime of communal electorates is only transitory, but necessary to ensure the peace in which the great constitutional changes which are envisaged, will be carried out. I do not share their optimism. It will be remembered that the religious social law in India received by a curious mischance the support of British courts both in India and without. Thus the present religious law has been defined and given a conservative mould by the decisions of the Privy Council. It is altogether a baseless fear which conceives of the possibility of the Indian constitution stereotyping for many generations to come the conception of the communities as against the idea of the people of India as a whole?

One of the most serious failures of the Memorandum is its failure to provide for some internal means whereby, by a process of evolution, the communal idea will gradually pass away, and in its place the conception of the community as a whole will emerge. The method for the relinquishment of the communal electorates which the Memorandum proposes will, I believe, prove ineffective. The present constitution provides for the representation of economic interests. Why cannot this principle be extended? Let Labour constituencies be formed on a non-communal basis and extended to the rural areas and agricultural labour.

The weightage assigned to themselves by these communities in the Memorandum are in some cases fantastic, and it cannot but strike the impartial observer that these devices are specifically designed to frustrate the will of certain other communities. As a result of these weightages the construction of the legislature on the basis of fairness to all communities becomes an impossibility.

In considering these grave objections to the Memorandum I recall the words of Sir Henry Gidney this morning, when he asserted that I had given my consent to these negotiations. I may say that Sir Henry has completely misapprehended my conversations with him and my contributions to the proceedings of the informal Minorities Committee held in October. What I did say was that the main problem demanded a settlement of the Hindu-Muslim question and that the smaller Minorities and the real Minorities like the Christians, Europeans and Anglo-Indians could only come in after that main question had been settled. Now what does this Memorandum reveal? Simply this, that the smaller communities have united with the substantial community of the Muslims in order to make the position of the majority communities difficult. It would be disastrous for the Christian community if it were to throw its support on the side of one or other of the great contending parties of India.

If it is true that the Christian community needs protection against the Hindu majority in Madras, it is equally true that it will need it against the Muslim majority in Bengal and the Punjab. I had hoped that as far as my

community was concerned it would need neither, but that a common Hindu-Muslim agreement would emerge in which the real minorities would find a place. The circumstances under which this agreement has been drawn up will undoubtedly be interpreted as an attempt to impose on the Hindus a regime to which their consent has not been obtained. In such coercion I trust that the community which I represent will have no share.

In conclusion, I may add that on lines such as are proposed in this Memorandum I see little chance of an agreed solution, but what is even more important, I am unconvinced that on this system of legislative representation which might have had a place as long as the executive was irresponsible can be built a government which feels itself responsible to all. The views expressed in this letter are shared by a substantial number of Indian Christians in India.

November 14th, 1931.

APPENDIX XIX.

NOTE ON APPENDIX IV.

By Maulvi Muhammad Shafi Daoodi.

In this note I only deal with the following passage appearing in the "Memorandum on the Sikhs and the new constitution for India" circulated to the Conference by Sardars Ujjal Singh and Sampuran Singh on the 12th November. The Sardars say:—

"In view of the claim of the President of the last All-India Muslim Conference, we believe that to write the garrison Province of India into the constitution as an unalterably Muslim Province would be to make the dismemberment of India inevitable. That claim, it will be remembered, was that there should be a 'consolidated North-West State, within or without the British Empire,' consisting of the Punjab, North-West Frontier Province, Baluchistan and Sind."

The President of the last All-India Muslim League (*not All-India Muslim Conference as incorrectly stated above*) was Dr. Sir Muhammad Iqbal who wrote as follows in the "Times" of 12th October, 1931, with reference to his words as cited in the above quotation:—

"May I tell . . . that in this passage I do not put forward a 'demand' for a Muslim State outside the British Empire, but only a guess at the possible outcome in the dim future of the mighty forces now shaping the destiny of the Indian subcontinent. No Indian Muslim with any pretence to sanity contemplates a Muslim State or series of States in North-West India *outside* the British Commonwealth of Nations as a plan of practical politics."

"Although I would oppose the creation of another cockpit of communal strife in the Central Punjab, as suggested by some enthusiasts, I am all for a redistribution of India into Provinces with effective majorities of one community or another on lines advocated both by the Nehru and the Simon Reports. Indeed, my suggestion regarding Muslim Provinces merely carries forward this idea."

Dr. Iqbal concludes his letter with a pithy statement of the Muslim position and says—

"A series of contented and well-organised Muslim Provinces on the North-West Frontier of India would be the bulwark of India and of the British Empire against the hungry generations of the Asiatic highlands."

As regards the rest of the claims advanced by the Sardars, I shall have occasion to say something later.

November 14th, 1931.

APPENDIX XX.

MEMORANDUM ON APPENDIX III.

By Raja Narendra Nath.

The pact between certain minorities, from which the Hindu minorities of the Punjab and Bengal have been excluded, and which was placed before the Minorities Committee on the 13th November, was received by me late on the previous night. I had no time to consider it before I went to the Minorities Committee.

In connection with it, and as a criticism of the proposals made therein, I send this note, which I hope will receive careful consideration and will be placed side by side with the so-called compromise.

I invite attention to Appendix "A" attached to the pact, of which it forms an essential part. Hindus are presumed to be a majority community in the Federal Legislature, and in six out of nine Provincial Legislatures; but the presumption does not stand when it is sought to separate the Depressed Classes from the Hindus. The figures in the Appendix will show that the Hindus are reduced to a minority in almost all Legislatures, whilst not only the weightage of Muslims is maintained, but they are given absolute majority in the Punjab and Bengal.

The problem of the Depressed Classes is not rightly understood by British politicians. Even out of those who have been to India, few have had opportunities of thoroughly examining the question. In the first place, conditions in Northern India are quite different from those in Madras and parts of Bombay. In Northern India itself, conditions vary in different Provinces. There are, however, certain general principles applicable to all. The twofold division of the Hindu population, into depressed classes and caste Hindus, is not correct. The so-called "Depressed Classes" are themselves divided into castes. Each is as strictly endogamous as the higher caste of Hindus. There is a very large section amongst them which is regarded as untouchable by all. If caste Hindus cannot represent the Depressed Classes, owing to their being untouchable, how can a member of the Depressed Classes, belonging to a certain caste and regarding others as untouchable, be representative of all Depressed Classes? Separate representation will be carried to absurd lengths if small differences justify separate electorates. Corporate civic life, already difficult under the separatist policy followed so far, will become impossible.

Untouchability is due to educational and economical backwardness, and the nature of the occupations which these classes follow. Those among them who take to the liberal professions or are appointed to Government posts, cease to be regarded as untouchable. I understand that gentlemen belonging to the Depressed Classes whose clan was regarded as untouchable, rose to the position of judges of the High Courts and sat on the same Bench with the most orthodox Brahmin Judges. All "Depressed Classes" will in course of time, and by utilising opportunities for education, cease to be regarded as depressed or backward. Their separation or isolation from the Hindus is not a course which ought to be followed, in their own interest. All that is needed is that the future constitution should provide that on account of caste and creed none should be prejudiced in the acquisition and enjoyment of civic rights and the right to public employment.

The difficulty of giving a definition of the Depressed Classes which shall apply to all Provinces has been adverted to in paragraph 58 of Volume I of the Report of the Statutory Commission. In the Punjab, as pointed out in the memorandum submitted by me, the process of reclamation is going on very rapidly. Islam and Sikhism are not the only proselytising religions. The Arya Samaj, which is a Hindu body, also falls into that category. This reformed religious society conducts several educational institutions for the education of the Depressed Classes, who are brought up in the tenets of the Arya Samaj. According to this advanced body of religious reform, all who

come within its fold are entitled to wear the Brahminical thread and to recite the Gayatri. Members of the Depressed Classes who embrace the religion of the Arya Samaj are given this privilege. It is therefore not right to assume that these men would like to be dissociated from the Hindus, and would insist upon special representation and separate electorates. In this connection the remarks made in paragraph 79 of Volume II of the Report of the Commission are pertinent, and I cannot help reproducing them *in extenso* :—

“Our object therefore, is to make a beginning which will bring the depressed classes within the circle of elected representation. How is this to be done? Most of the depressed class associations which appeared before us favoured separate electorates, with seats allocated on the basis of population, though one or two still wished to retain nomination. Separate electorates would no doubt be the safest method of securing the return of an adequate number of persons who enjoy the confidence of the depressed classes, but we are averse from stereotyping the differences between the depressed classes and the remainder of the Hindus by such a step, which we consider would introduce a new and serious bar to their ultimate political amalgamation with others. Such a course would be all the more difficult to justify in those provinces where the breaking down of barriers has advanced furthest. If separate electorates have to be secured them, that is no reason for bringing other cases within this mode of treatment, if it can be avoided. A separate electorate for depressed classes means, as a preliminary, a precise definition of all who are covered by the term, and the boundary would be in some cases difficult to draw. It means stigmatising each individual voter in the list, and militates against the process which is already beginning, and which needs to be in every way encouraged—that of helping those who are depressed to rise in the social and economic scale.”

The representation of these classes, even if seats are specially reserved for them, will depend on what the franchise is going to be, and how many of them will come on the electoral roll. In the Punjab, as perhaps in some other Provinces, it may be impossible to frame a constituency on the franchise fixed, and to introduce any system of separate electorates for the Depressed Classes. (Please see the recommendations of various local governments on this point and the remarks of the Government of India in paragraph 35 of their Despatch.)

In Bengal there are tracts in which there is a compact population of the Depressed Classes, and they secure election without separate electorates. In the Bengal Council more than ten members out of the forty-six Hindus returned from general constituencies belong to the Depressed Classes.

On the scale of representation recommended in Appendix “A,” the proportion of caste Hindus in the Punjab and Bengal is reduced to 14 and 18 per cent. respectively. There would be a very strong case for weightage to the Hindus of these Provinces if the scale recommended was to receive serious consideration. The Hindus of these two Provinces would in that case claim weightage at the highest rate allowed to the Muslims in Provinces in which they are in a minority.

ANNEXURE 1.

TERRITORIAL REDISTRIBUTION OF PROVINCIAL AREAS IN INDIA.

By Diwan Bahadur M. Ramachandra Rao.

I desire to invite the attention of the Members of the Conference to a matter of fundamental importance to which the Report of the Federal Structure Committee does not make any reference, namely, the need for making provision in the new constitution for the redistribution of provincial areas in which British India where such redistribution becomes necessary. Under the Government of India Act, 1919, this power is vested in the Governor-General in Council. Section 52A lays down that "the Governor-General in Council may, after obtaining an expression of opinion from the Local Government and the Local Legislature affected, by notification, with the sanction of His Majesty previously signified by the Secretary of State in Council, constitute a new Governor's Province, or place part of a Governor's Province under the administration of a Deputy-Governor to be appointed by the Governor-General" The Report of the Federal Structure Committee does not make any specific reference to this matter and it is a matter for consideration whether provision should not be made under the new constitution for vesting this power in the Governor-General, acting with his Ministers. So long as India has a unitary constitution, the final decision in a matter of this kind is very properly left in the hands of the Governor-General in Council acting under the directions of the Secretary of State in Council. What should be the position in respect of this matter when a Federal Government and a Federal Legislature comes into existence? I venture to think that suitable provisions will have to be thought out and incorporated in the Statute on the subject.

2. It is true that, in making a start with the Federal Constitution, we can only proceed on the basis that the boundaries of the British Provinces are what they at present are, but it has to be fully borne in mind that the demand for a redistribution of areas and readjustment of boundaries of the Provinces in India is a very real one, and is likely to arise for solution almost immediately after the new constitution is set up. Many administrators in India have felt in the past that the existing provincial boundaries "embrace areas and peoples of no natural affinity and sometimes separate those who might be more naturally united." Sir Thomas Holderness observes that "with the exception of Burma, no Province represents a natural unit; that is to say, that the Provinces do not stand for differences of race, language or geographical distribution. They are purely administrative divisions of territory." Sir Bamfylde Fuller wrote that "It would have been well for the country had its divisions into Provinces for purposes of government followed the lines marked by race and language so as to reinforce the sympathy which arises by similarity, by feelings of pride in the local government. The existing administrative divisions are heterogeneous as to have a directly contrary effect." Apart from the opinions of administrators, popular sentiment in recent years is in favour of such redistribution. The authors of the Nehru Report discussed the whole subject of linguistic Provinces in considerable detail, and important political organisations in India have passed resolutions favouring the redistribution of Provinces on linguistic lines. Attention is invited to my memorandum presented to the Joint Parliamentary Committee in 1919 (*vide* pages 109 to 115 of the Report of the Joint Select Committee on the Government of India Bill, Vol. III) and to the series of memoranda presented to the Indian Statutory Commission by the Government of India containing the history of the agitation for an Oriya Province, an Andhra Province, a Karnataka Province and a Tamil Province (*vide* pages 509 and the following pages of Vol. IV, Simon Commission Report). The Simon Commission referred to this matter at some length and expressed the opinion that "as the time is coming when each Province will have its own provincial government and its provincial resources it is extremely

important that the adjustment of provincial boundaries and the creation of proper provincial areas should take place before the new process has gone too far. Once the mould has set, any mal-administration will be still more difficult to correct." They therefore recommended the constitution of a Boundaries Commission and regard the appointment of such a Commission as a matter of urgent importance (page 26, Vol. II, of the Report of the Indian Statutory Commission).

3. Some proposals for redistribution of provincial areas were brought forward at the First Session of the Conference. The Rajah of Parlakimedi advocated the constitution of an Oriya Province. The separation of Sind was agreed to in principle, and the constitution of the Orissa and contiguous Oriya speaking tracts into a separate Province is now under examination. During the present Session memoranda urging the formation of an Andhra Province have been circulated by the Rajah of Bobbili and Mr. V. V. Giri. Mr. B. Shiva Rao has urged in another memorandum the formation of a Karnataka Province. Khan Bahadur Hafiz Hidayat Husain has urged the separation of Agra from Oudh. Sir Geoffrey Corbett has put forward a proposal for the separation of the Ambala Division from the Punjab and Sardar Ujjal Singh has put forward another scheme for the purpose of separating another area from the Province.

4. In these circumstances there can be no doubt whatever that the question of redistribution of provincial areas will become a matter of great importance with which the Federal Government and the Federal Legislature under the new constitution will have to deal. I think, therefore, the legal and constitutional position in regard to this matter will have to be examined carefully, and the necessary provisions have to be enacted. The existing British Provinces will, on the establishment of the new constitution, become Units in an all-India Federation, and the question as to the method and manner in which any of the federating Units of British India should be redistributed, and as to how new Provinces should be created and admitted into the Federation, requires very careful consideration. A redistribution must necessarily affect the legislative and executive organs of government of all the provincial areas involved in the redistribution, and many questions are likely to arise in which the Central Government may have to be the final deciding authority in the matter. My point is that while the redistribution will only be based on the largest measure of general agreement on the changes proposed both on the side of the area that is gaining and on the side of the area that is losing territory, the Constitutional Authority for giving legal sanction to such redistribution, and the conditions under which such a redistribution can be accomplished, have to be clearly laid down.

5. The subject of the redistribution of Provinces in British India is a matter in which British India alone is interested, and the Indian States coming into the Federation will have nothing to do with it. If any matter of territorial redistribution has to be dealt with by the Federal Legislature, the representatives of the Indian States will have no voice in the discussion of the subject. In the list of Central Subjects appended to the Second Report of the Federal Structure sub-Committee, it is stated that "Territorial changes—other than interprovincial and declaration of laws in connection therewith," should be classified as a Central Subject, (*vide* page 216 of Vol. I of the Proceedings of the Round Table Conference). Attention is, however, invited to the remark opposite this item, that "it (territorial changes) has already been decided to be a matter to be dealt with under amendments to the constitution." If territorial changes involving the redistribution of British Indian Provinces can only be effected by a process of amending the constitution, this method is likely to cause inordinate delays and would make it too difficult to have essential territorial changes in the boundaries of Provinces which have been urged for many years. I feel, therefore, strongly that a more flexible method should be devised. Perhaps the best way of providing for it would be by discussion of the subject in the Legislatures of the Provinces affected by the territorial redistribution and also in the Federal Legislature, and after such discussion the Governor-General acting with the advice of his Ministers should be empowered to take steps for such

redistribution. The necessary provisions will have to be incorporated in the Bill. Any redistribution of territory and the creation of new Provinces will necessarily involve the revision of the strength of the Legislatures concerned and the establishment of new Provincial Legislatures and wide powers to effectually carry out schemes of redistribution will have to be conferred on the co-ordinating authority, namely, the Government of India.

November 23rd, 1931.

ANNEXURE 2.

MEMORANDUM REGARDING THE FORMATION OF A SEPARATE ANDHRA PROVINCE IN SOUTHERN INDIA.

By the Raja of Bobbili.

In recent years there has been a persistent demand in India for the creation of new Provinces for the purpose of guaranteeing really cohesive and intelligent units of administration. Thus, the people of Sindh have been urging for separation from the Presidency of Bombay, and the creation of a distinct separate unit which could be formed into a new Sindh Province; likewise, the Canarese people living in the southern districts of the Bombay Presidency, western districts of the Madras Presidency, and on the borders of the Mysore State, have been demanding their rights to be grouped together into a separate Karnatic Province; and the Oriyas living in the three distant Presidencies of Bihar and Orissa, Bengal, Madras, and the Central Provinces have also been demanding the creation of a new Oriya Province for themselves; and this demand was conceded at the first Round Table Conference, and the Government of India have already taken steps by appointing an Orissa Committee last month. But perhaps more insistent than the demands of any of these groups has been that of the Telugu-speaking people now living in the twelve districts of the Madras Presidency for the creation of a separate Andhra Province.

(Andhra is an alternative name for Telugu. And it may be of interest to remember that the present Andhra districts in the Madras Presidency bear out a very interesting historical story. Thus, the four Andhra coast districts commonly known as the Northern Circars, were acquired by grant from the Emperor of Delhi in 1765; then in 1792, after the Mysore wars, and in 1799, after the abdication of the Raja of Tanjore, new territory was acquired and this forms the southern apex of the present Andhra area; and in 1800, the Nizam of Hyderabad ceded a good bit of territory, which now forms the ceded districts in the Madras Presidency.)

This claim has been based on the existence of these twelve contiguous districts where the same language is spoken, the same culture predominates, and where common historical traditions bind the people together.

Moreover, the area where the Andhras are spread over is easily 85,481 square miles; and the Andhra population, according to last census report, is 17,253,361. These two facts alone have been regarded as weighty enough, even from the standpoint of administrative convenience, for the creation of a new Province. But to these must be added the fact that the income from land revenue derived from the Andhra district is nearly half of the total revenues of the Madras Presidency. On these grounds alone the claim for a separate Province for the Andhras is thoroughly justified.

But the contention on behalf of the formation of a new Andhra Province is based on other arguments too. It is, in the first place, essential to remember that in the present Madras Presidency the bulk of the population, barring the Malayalis and the Kanarese, is made up of roughly half Tamilians and half Andhras. These two peoples have the most marked differences of culture and traditions. And the Andhras have all along felt that they cannot develop and emphasise the special qualities of their culture except by being a separate political and administrative unit. Such development of the Andhra culture could only be possible by education being imparted

through the medium of the Telugu language and also by public business being conducted in that language.

That the force behind the above contention has made itself felt even by the Government is illustrated by the creation of the Andhra University. And the present occasion is the best opportunity to satisfy the legitimate aspirations of the Andhras for their own separate Province.

Apart from these reasons, the Andhra people have all-along felt that unless a separate Province is created for them, their interests would never be really looked after. Thus Madras, the capital city, being located in the Tamil area, the Andhras feel that their representation in Services is far below the population ratio. Moreover, the Andhras being very poorly represented in the higher Services, there is a strong feeling that the Andhra districts are being neglected regarding new irrigation and hydro-electric schemes. By way of illustration it could be pointed out that for the last thirty or forty years no large irrigation scheme has been taken up in the Andhra districts, while the Madras Government has been lavishly spending large sums of money on Mettur and Pykara schemes, which benefit only the Tamil districts. But a project like the Kistna-Tungabhadra, for which the ceded districts have been clamouring for the last twenty years, is neglected by the Government. Again, it must be remembered that the finances of the Madras Government, owing to the Mettur and Pykara schemes, have been mortgaged for years, and until those schemes are completed no money will be available for the Government for undertaking any new work in the Andhra districts. The Labour and Industries Department, to mention only a few departments, have so far been concentrating their attention and their activities only in the Tamil area. In short, the Andhras strongly feel that the revenues which are being realised from the Andhra districts are not being spent for the benefit and betterment of the Andhras.

Even as regards the cost of forming a new Province, it can be pointed out that financially such a proposition need not be prohibitive. For instance, in a large number of departments the officers at the head may be, without difficulty, rearranged into officers of two Provinces. As an illustration, the High Court may be split up into two halves; the Director of Public Instruction and his two deputies may be replaced by two Directors for the two Provinces; and likewise other Services can easily be split up without entailing any additional expenditure.

Another important factor in connection with the demand for an Andhra Province is that such a demand is not quite an accidental or recent one. Indeed, since 1913, when the Andhra Conference was held in Guntur district, the demand for a separate Andhra Province has been urged at various unofficial political gatherings. And on the 14th March, 1927, the Madras Legislative Council passed a resolution in favour of the formation of the contiguous Telugu-speaking areas of the Presidency into a separate Andhra Province. Again, on the 19th March, 1928, the Madras Council, on a token cut during the budget debate, expressed itself in favour of a separate Andhra Province.

Besides, it was quite significant that in the debate initiated by a member of the Council of State on the 16th February, 1927, the Home Secretary of the Government of India took pains to clearly emphasise that the Government of India were in no sense hostile to the underlying principle of the establishment of Provinces on a linguistic basis, and that in such matters the policy of the Government was that it should not act in advance of, or in opposition to, public opinion. Of course, it is needless to remind anyone that the demand for a separate Andhra Province is in no sense "in advance of or in opposition to public opinion." Indeed, the weight behind the facts that have been narrated above compelled the Simon Commission to observe "The demand for the formation of an Andhra or Telugu Province which was put forward 17 years ago at a Conference of Telugu-speaking districts has been persistent for many years, and has now become an important political issue. It has on two occasions during the recent years become the subject of a formal debate in the Madras Legislature, which has, by fairly large

majorities, endorsed the proposal for the constitution of a separate Andhra Province."

These factors must be weighty enough to convince anyone that the entire public opinion in the northern half of the Madras Presidency strongly supports the creation, and that too at the earliest, of a separate Province for the Andhras.

I have now only to hope that my colleagues on this Conference will carefully consider the claims of the Andhras for being grouped into a new Province, and after being convinced of those claims, give those of us who, like myself, have been working for its creation, their entire sympathy and support. I would also wish to take this opportunity of requesting the British Government to review the entire question, and do the best by the people who are demanding what is only their mere right.

In asking this I do not for a moment suggest that the time of this Conference should be spent on working out the entire details of the scheme for an Andhra Province. Indeed, I have no desire either to side-track the work of the Conference or in any way unnecessarily delay its proceedings. If the Conference discusses this question and accepts the principle of separation for the Andhras, then the Government of India could take their own time for working out the necessary details which need not, in any way, trouble my colleagues on this Conference.

ANNEXURE 3.

MEMORANDUM REGARDING THE FORMATION OF A SEPARATE ANDHRA PROVINCE IN INDIA.

By Mr. V. V. Giri.

1. The subject of a separate Province for the Andhras has long been before the public and the Government. The principle for the formation of such a Province has been recognised by eminent statesmen. His Majesty the King-Emperor approved of it on the ground that it would be the greatest bond of union for a component race. Viceroys of India such as the late Lord Curzon and Lord Hardinge and administrators like Sir Bamfylde Fuller were in favour of it. The Government of India was not hostile to the underlying principle.

2. That there has been a strong popular demand for the formation of a separate Province is abundantly clear from the following facts. The agitation for a separate Province was begun about twenty years ago by the Andhra Mahasabha—the mouthpiece of the Andhras in India. Their claims for a Province were placed before the Viceroy and the Secretary of State in the year 1917. The subject was mentioned in a debate in the old Imperial Legislative Council in February, 1918, in connection with a resolution moved by Sir (then Mr.) B. N. Sarma, recommending the redistribution of Provinces on a linguistic basis. A deputation waited on Lord Chelmsford and Mr. Montagu—the then Viceroy and Secretary of State for India in Council—about this matter. The subject was again brought forward before the Joint Parliamentary Committee (*vide* the memorandum presented by Diwan Bahadur Mr. M. Ramachandra Rao and published in a Blue Book). Andhra Conferences, held every year since 1913 and attended by large numbers of Andhras, passed resolutions urging the necessity for formation of an Andhra Province. The Indian National Congress passed resolutions approving of the principle and advocating division of Provinces on linguistic basis. In 1928 the Nehru Report recommended the formation of a separate Province for the Andhras.

3. Coming now to the Legislatures in the year 1922, a resolution was moved by Mr. J. Ramayya Puntulu in the Legislative Assembly urging the need for a separate Province and again in September, 1927, Mr. V. V. Jogiah, a member of the Assembly, gave notice to move a resolution on the

same subject but had to withdraw the same as it was considered undesirable to bring it forward in view of the controversy about the formation of separate Province for Sind regarding which there were given conflicting notices of Amendments. In February, 1927, the Legislative Assembly approved of the principle in connection with a resolution moved by Pandit Nilakantadoss for the formation of a separate Province for the Oriyas. Again, in the same month of the same year Honourable (now Mr.) V. Ramadoss Puntulu moved a resolution in the Council of State on this subject and another member of the Council of State, Mr. G. Narayenaswami Chetty, gave notice of a similar resolution this year.

4. In reply to this claim made by the representatives of the people from time to time, the Government of India, while accepting the underlying principle for the re-distribution of Provinces on linguistic basis, stated as follows in para. 8, pages 513 and 514, Vol. IV of the memoranda submitted to the Indian Statutory Commission by the Government of India:—

“ . . . the Government of India were in no sense hostile to the underlying principle of the establishment of Provinces on a linguistic basis, but their view was that any proposal of that kind required very careful examination; in fact, their attitude was one of neutrality. While the principle itself was attractive, there were certain obvious limitations on its practical application, and the first condition in dealing with proposals of this kind was that the Government should not act in advance of or in opposition to public opinion. For that reason the Government of India had laid down very clearly that before they can consider any such proposal, they must be satisfied that there is a real popular demand and that if that popular demand exists they may expect to find it voiced in the local Legislative Council. This condition has not been fulfilled in the case of the resolution before the House. . . . The Home Secretary suggested to the mover that if he wished his proposal to be considered his best course was first to obtain what he had not yet established, that is to say, unequivocal local support. When that has been done, he would be in a position to approach the body which alone could give a decision in the matter, and that was the Statutory Commission.”

Since this expression of opinion on behalf of the Government of India a resolution was moved on the 14th March, 1927, in the Madras Legislative Council by Mr. Anjaneyulu and was carried; and subsequently again on the 19th March, 1928, the question was raised by means of a token cut in the discussion on the Budget Estimates for 1928-29 and the formation of a separate Andhra Province was accepted by the Council.

Thus, the limitation on the practical application of the principle foreshadowed by the Government of India has since been satisfied.

5. Further, the formation of a separate Province is in consonance with the ideal of Provincial autonomy, as set forth in the Despatch of the Government and generally approved of by the Administrations in India and Great Britain, and of the proposed constitution for a Federal Government for India. The first Round Table Conference has given effect to the principle by approving of the formation of separate Provinces for Oriyas and Sindhis. The Report of the Simon Commission under the head “Need for Provincial Redistribution” in para. 38, pages 24 and 25 of Vol. II, of its Report has given certain tests for claiming readjustment of boundaries and redistribution of areas. It may be stated, in this connection, that there is no area in India which satisfies these tests better than Andhra. It may be asserted, without fear of contradiction, that viewed from any standpoint, the claims of the Andhras for a separate Province are unquestionable. If an Andhra Province be formed, it will have 11 contiguous districts inhabited by people speaking the same language forming a compact and self-contained area of over 85,000 square miles with a population of over 17 millions and paying a land revenue of thirty and half millions or 3½ crores of rupees. The income of the Province is as shown in the debate on the subject of the formation of an Andhra Province in the Legislative Council, Madras above said will be sufficient to

support the existence of a separate Province. There are in the Andhra part of the Madras Presidency large irrigational projects and centres of commercial business and also a separate University, a harbour and a Medical College, and other Arts Colleges. Among others the only other important institutions it requires for the formation of a Province is a High Court of Judicature and a Governor in Council and a Board of Revenue with a capital in some important centre. As shown by the mover of the resolution in the Madras Legislative Council in his speech the income of the Province will be sufficient to meet this expenditure and the creation of a Province will create facilities for increased revenue. A statement of the land revenue and population of a few Provinces already formed and those in contemplation are given hereunder comparing the same with those of the Andhra Province if formed.

<i>Provinces.</i>	REVENUE.	<i>Income.</i>
(a) Bihar and Orissa . . .	One crore and 55 lakhs of rupees.	
(b) Central Provinces and Berar	Two crores and 45 lakhs of rupees.	
(c) Assam	One crore and 13 lakhs of rupees.	
(d) Sind proposed to be newly formed into a Province .	74 lakhs of rupees.	
(e) Orissa proposed to be newly formed into a Province .	Under 80 lakhs of rupees.	
(f) Andhra Province if formed .	About 3 crores and 50 lakhs rupees or 3½ millions of rupees.	

POPULATION.

Proposed Sind Province . . .	About 40 lakhs.
Proposed Orissa Province .	About 1 crore.
Andhra Province if formed .	1 crore and 70 lakhs.

In the matter of area also, Andhra Province, if formed, will be far larger in extent than the proposed Provinces of Sind and Orissa and a few other Provinces in India.

It may therefore be submitted that Andhra's claim for a separate Province, to say the least, is most reasonable and practicable from every point of view.

6. There are various other considerations of an equally important character which justify their claim for a separate Province. Andhras belong to a very ancient race and have as brilliant a past as any other nation in the world. They distinguished themselves both in war and peace. There were among them distinguished soldiers and great heroes. Their Kings ruled over extensive territories. Once their kingdom extended from the Arabian Sea to the Bay of Bengal including Magadha in the North of India. They produced great masters in literature. Their arts and industries were once the objects of much praise in both Europe and Asia. Their skill in architecture and fine arts is well known. History bears testimony to their high culture, great political sagacity and sound statesmanship. They have not as yet forgotten their historic individuality, and they feel a certain unity and distinct entity—and with this sense of separate entity they live amidst a number of other races in the Madras Presidency. This union of heterogeneous races whose language, customs, habits, tradition and sentiments differ a good deal from theirs is injurious to the free and unhampered growth of the race. The Andhras, at present, are scattered in different places, in different groups and under different Governments. There is in fact no apparent identity of interest in them. The feeling that the interests of all the Andhras are identical can be felt only by the existence of a common Province. There is no doubt that the creation of an Andhra Province would give a powerful impetus to the growing public spirit of the Andhras and the rapid development of the Andhra country in all directions.

7. It may be mentioned in this connection that the principle of formation of separate Provinces on linguistic basis was conceded by the First Round Table Conference in connection with Orissa and Sind and a Boundary Commission was appointed by the Government of India to fix the boundaries of Orissa. This Commission has necessarily to determine, *inter alia*, the boundary to the north of Andhradesa in the Presidency of Madras, which will be the southern boundary of Orissa to be formed. It would be, therefore, not only most convenient and opportune, but also just and equitable that the claims of the Andhras for a separate Province should be recognised and a Boundary Commission be immediately appointed to work in conjunction with the Oriya Boundary Commission so as to settle the common boundary between the Andhra and Oriya Provinces.

8. In the light of the above facts, it is requested that the principle accepted in the case of Orissa and Sind be extended to the Andhras in the Presidency of Madras and an Andhra Province be immediately recommended and formed.

10th November, 1931.

ANNEXURE 4.

A PROVINCE FOR KARNATAKA.

Memorandum by Mr. B. Shiva Rao.

Although the problem of the redistribution of the existing Provinces of British India has not been taken up in a general form by the Round Table Conference, it has received a considerable amount of attention in so far as it relates to the two cases of Sindh and Orissa. If the scheme for the separation of Ambala Division from the Punjab and its fusion with the United Provinces be accepted—I express no opinion on the merits of the proposal—the question is bound to arise whether it would not be advisable to divide the United Provinces into two administrative units. Public opinion in India is being directed to consider the redistribution of the Provinces so as to facilitate the administration of autonomous units in a self-governing India.

The separation of Sindh from the Bombay Presidency, with regard to which an official Committee has made a Report, has been urged by the Muslim Community on two grounds:—

(1) Sindh as a separate Province will be a predominantly Muslim area;

(2) The great distance between Sindh and the rest of the Bombay Presidency prevents adequate attention being paid to the needs of the people of Sindh.

The case of Orissa being made a separate Province for the Oriya-speaking people was put forward by the Raja of Parlakimedi at the last Session of the Round Table Conference. His main argument was that Orissa is an area with a single language and definite historical and cultural associations and should be under one administration instead of being parcelled out (as it now is) between four British Indian Provinces—Bihar and Orissa, Bengal, the Central Provinces and Madras.

The position of Karnataka is, in some respects, similar to that of Orissa. This linguistic area (which comprises the Dharwar, Belgaum, Bijapur and North Canara Districts and a portion of Sholapur Taluka in the Bombay Presidency; South Canara, Bellary and the Nilgiris Districts, with portions of the Salem, Coimbatore and Anantapur Districts in the Madras Presidency) is divided between the two southern Provinces. Together with Coorg, which also is part of the area, it will cover over 35,000 square miles and have a population of over 7,000,000. (*Note:* According to the Census Report of 1921, there was a population of over 6,000,000 and the general increase in the population during the decade averages 10 per cent.)

It is not necessary to argue in general the case for a redistribution of the Provinces, on a linguistic, or some other recognised basis. Even in 1919, this problem was present before the Secretary of State for India and the Viceroy.

The Montagu-Chelmsford Report has the following passage on the subject of creating new Provinces:—

“ . . . We are impressed with the artificial and often inconvenient character of existing administrative units. We have seen how historical reasons brought them about. We cannot doubt that the business of Government would be simplified if administrative units were both smaller and more homogeneous; and when we bear in mind the prospects of the immense burdens of Government in India being transferred to comparatively inexperienced hands, such considerations acquire additional weight. It is also a strong argument in favour of linguistic or racial units of Government that, by making it possible to conduct the business of legislation in the vernacular, they would contribute to draw into the arena of public affairs men who were not unacquainted with English . . . We are bound to indicate our clear opinion that wherever such distributions are necessary and can be effected by process of consent, the attempt to do so should be made; and therefore we desire that it should be recognised as one of the earliest duties incumbent upon all the reformed provincial governments to test provincial opinion upon schemes directed to this end.”

It is to be regretted that the Government has taken no action in the direction suggested by the Montagu-Chelmsford Report. On the other hand, resolutions moved by non-official Members of the Bombay and Madras Legislative Councils and of the Council of State for the appointment of a Committee to bring about a unification of the Karnataka were opposed by the Government. In 1926 and 1928, Dr. Rama Rau, a Member of the Council of State, moved a resolution for the appointment of such a Committee; but it was rejected by the Council because of Government opposition. The Madras Legislative Council adopted a resolution in August, 1929, moved by Mr. P. Siva Rao (Member for Bellary) asking for urgent steps to be taken for the formation of a Karnataka Province, comprising the Kanarese-speaking tracts of the Madras and Bombay Presidencies and Coorg. The resolution was passed by the Council, notwithstanding official opposition. A similar resolution was brought at the same time by Mr. Jog in the Bombay Legislative Council, but failed to secure passage through the House in spite of general non-official support.

It may be useful in this connection, to quote the Nehru Report, who made the following observations on the claims of Karnataka for being made a separate Province:—

“ The case for the Karnataka was placed before us by a representative of the Karnataka Unification Sangha, and the Karnataka Provincial Congress Committee. It had been ably prepared with a wealth of information, historical, cultural and statistical. All our questions were answered satisfactorily and, in our opinion, a strong *prima facie* case for unification and the formation of Karnataka as a separate Province was made. . . . Parts of the Karnataka lie in Indian States, notably Mysore, and there are obvious practical difficulties in the way of uniting these with the rest. It might also not be convenient to unite the small islands of the Karnataka on the other side of Mysore Territory as these would be cut off from Karnataka proper by Mysore. But even so, a sufficiently large area remains. . . . financially the position of the Karnataka is very strong, and even at present there is a considerable surplus in the British part of the Karnataka.”

Finally, they recommended that—“ Parts of Karnataka except the small islands on the other side of Mysore territory should be separated from

the Provinces in which they are at present included and formed into a single separate Province."

It should also be added that at the All-Parties Conference at Lucknow, recommended in 1929 in adopting the Nehru Report that—"A Committee may be appointed to take all necessary steps to constitute Karnataka, and into separate Provinces."

The six All-Karnataka Political Conferences held since 1920, and the three Karnataka Unification Conferences since 1924 have passed unification resolutions unanimously. Besides these, the Veershaiva Mahasabha held in Bangalore in December, 1927, the Merchants' Conference, held in August last in Bagalkot, have demanded unification. The Local Boards of all the Bombay Karnataka Districts, and of Mangalore, many Taluka Local Boards as well as a number of municipalities, have passed such resolutions and sent them to the Government. A general manifesto signed by 34 leaders of Karnataka, representing all districts, all castes, creeds, interests, and all political opinions, was issued in 1927 to the public, asking them to sign a declaration to the effect that they desired unification.

A questionnaire issued to about 200 gentlemen in Karnataka brought 125 replies, only one being against unification.

The following bodies have adopted resolutions within the last few months urging the creation of a separate Province for the Karnataka:—

- (1) The Karnataka Chamber of Commerce.
- (2) The Veershaiva Tarauna Sengha, Bagalkot.
- (3) The Cotton Market Association, Bagalkot.
- (4) The Cloth Merchants' Association, Bagalkot.
- (5) The Hubli Municipal Borough.
- (6) The Karnataka Unification Association, Sholapur City.
- (7) Sirsi Municipality (North Kanara District, Bombay Pres.).
- (8) The Basaweshwar Vidya-Vardhaka Sangha, Bagalkot.
- (9) Ilkal Municipality.
- (10) Dharwar District Local Board.

There can thus be no question either as to the necessity for undertaking the reconstitution of the existing Provinces into smaller and homogeneous units, or, in particular, as to the trend of opinion in the different parts of the Karnataka on the subject of their unification. If the principle of self-determination were to be applied, an overwhelming majority of the people of Karnataka would be found to be whole-heartedly in favour of such a step.

The only other consideration that may possibly be urged by critics of the scheme is whether the people of the Karnataka would be in a position to bear the financial burden of a separate administration. But if Assam can be autonomous Province with a revenue of Rs. 260 lakhs, there is no reason why Karnataka, which, under the existing division of revenues as between the Central and Provincial Governments, would have an income of Rs. 233 lakhs from the provincial sources alone, cannot face a similar responsibility. Moreover, it may safely be said that, with adequate opportunities for development, Karnataka, with its long coast line, and rich natural resources, would rapidly increase its prosperity, and become capable of the comparatively heavier burdens that would be involved in autonomous administration.

The complaint of the people is that the present division of Karnataka leaves them in a position of helpless minorities, both in the Bombay and Madras Presidencies, where they form 19 and 6 per cent. respectively of their total population.

A further handicap is furnished by the fact that whereas the people speaking other languages, such as Gujerati and Mahrathi, in Bombay, and Tamil and Taluga, in Madras, live in contiguous areas, the Kanarese people are scattered over a wide area with Mysore State in the centre.

Communications are not easy in many parts of the area on account of hills and forests and rivers. The consequence has been a neglect by the two Provincial Governments of such essential needs of the people as education, health, forests, roads, irrigation and harbour development.

It is estimated that the people of Karnataka contribute to the Governments (both Central and Provincial) Rs. 48 lakhs more than is spent on them. For a High Court and a University the people have to go as far as Bombay and Madras in their respective Presidencies; there cannot be the least doubt that the present anomalous division constitutes a serious grievance and stands in the way of the cultural and economic development of the people.

APPENDIX A.

AREA AND POPULATION OF THE PROPOSED KARNATAKA PROVINCE.

(As per Census Reports of 1921.)

8 Districts.

Name of District.	Area in square miles.	No. of		Total population.
		Towns.	Villages.	
1. Belgaum	4,611	7	1,062	952,996
2. Bijapur	5,707	8	1,120	796,877
3. Dharwar	4,606	17	1,260	1,036,924
4. North Kanara	3,946	7	1,257	401,727
5. South Kanara	4,021	7	798	1,247,368
6. Bellary	5,713	10	911	862,870
7. Coorg (Kodagu)	1,589	2	377	163,838
8. Nilgiris	982	3	54	126,519
8 Districts	31,168	61	6,839	5,588,018

5 Outlying Districts.

1. Madagsira (District Anantpur	443	1	57	85,593
2. Hosur (District Salem)	1,217	1	487	186,430
3. Krishangiri (District Salem)	656	2	163	167,302
4. Kollegal (District Coimbatore)	1,076	1	48	85,356
5. Sholapur (District Sholapur)	848	1	150	234,461
5 Talukas	4,240	6	911	769,144
Grand Total	35,408	67	7,750	6,357,762

ANNEXURE 5.

SEPARATION OF OUDH FROM THE AGRA PROVINCE.

Memorandum by Khan Bahadur Hafiz Hidayat Husain.

In this note I draw attention to the administrative necessity of separating the Agra Province from the Province of Oudh. The United Provinces of India stretch from the plains of Bihar on the East to the plains of the Punjab on the West, and from the low mountain ranges of Central India on the South to the immense barriers which divide British India from Tibet, and Nepal on the North. They include four distinct tracts of country. The area of the United Provinces from which I am excluding the feudatory States of Ranpur, Tehri and Benares is 106,000 square miles or just slightly less than that of the British Isles.

2. The Province of Agra originally formed part of the Presidency of Fort William. It received individual status in 1834 as the Province of Agra. The Province of Oudh was annexed in 1856 and became a Chief Commissionership with a separate administration. The two Provinces were first brought together in 1877 under the Lieutenant-Governor of the North-Western Provinces and Chief Commissioner of Oudh, and in 1902 were finally amalgamated in a single Lieutenant-Governorship and became known as the United Provinces of Agra and Oudh. In 1921, the Lieutenant-Governor was given the designation of Governor.

3. The Province which is divided into 48 districts has, according to the Census of 1931, a population of close upon 48½ millions. It is notoriously too heavy a charge for a single administration and should therefore be split up. Both the Provinces of Agra and Oudh suffer from lack of reality in the administration. The progress of both under one system of administration is retarded and neither has the opportunity to develop on natural lines. Small homogenous areas autonomous in their character ought to be the aim of the future United States of India. It is already on the cards that the Central Provinces are going to be split up, the Hindi-speaking districts may be attached to the Agra Province and the Mahrathi-speaking districts may go to Bombay. It would, therefore, be in the fitness of things that Oudh should be separated from Agra Province.

4. The Taluqdari system of Oudh and its special laws of primogenitive adoption, etc., are unique in the history of India. Oudh is well able to bear its own financial burden. Even now it has its own highest Court of Appeal both Civil and Criminal. It has a separate cadre of judicial officers. It has its own rent and revenue laws. It has its own University.

Oudh, rightly styled "The Garden of India," has an area of 24,000 square miles and a population of 13 millions of people. For generations past it formed a separate State ruled by its own Nawabs or Kings.

The unique position of the Taluqdars of Oudh, their peculiar status in the land under them, their hold on their tenantry, their patriotism, and above all, their unflinching loyalty to the Government of Great Britain entitles them to their recognition as partners of the Government in the administration of their Province, to the maintenance of their rights and privileges granted to them under Sanads, indeed to the final redemption of all those engagements and promises held out to them from time to time. This the Taluqdars fear is impossible unless the Province of Oudh is made a unit of administration by itself.

5. The Zemindari system of the Province of Agra resembles in many respects the Malgazari system of the Hindi-speaking districts of the Central Provinces. The status of the tenants is correspondingly similar. The soil of Bundelkhand in the Agra Province resembles that of the Jubbulpore Division of the Central Provinces. The Zemindars of the Agra Province are by law recognised as owners of every inch of land within the ambit of their Zemindari. In common with the Taluqdars of Oudh, they desire

that their status in the land be recognised as one of the fundamental rights in the new constitution, and that there be no fear of confiscation and expropriation of their properties, which should remain immune from duties or taxes, other than the land revenue, which they are pledged to pay to the Government of the day.

6. It is, in my opinion, impossible to reach the tenantry and improve their condition till the Provinces are separated and the charge for administrative work is reduced. In proposing this scheme, I have duly taken into consideration homogeneity in area, administrative convenience, linguistic and racial unity. Oudh, unlike Agra Province, speaks that dialect of Hindustani which was termed Eastern Hindi in the Census report of 1921. Perhaps there is no other part of India that can undertake its own autonomous administration with so little disturbance of the present arrangements as Oudh.

November 16th, 1931.

ANNEXURE 6.

MEMORANDUM ON THE REPRESENTATION OF LAND HOLDERS' INTERESTS IN THE LEGISLATURES.

By Dr. Narendra Nath Law, M.A., Ph.D.

The question of special representation of certain interests, Labour, Commerce, Depressed Classes, Landlords and the like, came up before the Federal Structure sub-Committee of the last Session of the Round Table Conference in connection with the distribution of seats in the Federal Legislature. The conclusion of this sub-Committee on the subject, recorded in paragraph 34 of their Second Report, was that, "subject to any report of the Minorities sub-Committee, provision should be made for the representation, possibly in both Chambers and certainly in the Lower Chamber, of certain special interests, namely, the Depressed Classes, Indian Christians, Europeans, Anglo-Indians, Landlords, Commerce (European and Indian), and Labour." Both Mr. Sastri and Sir Tej Bahadur Sapru made sympathetic reference to the need of the special representation of these classes when the question was raised by the Chairman of the Federal Structure sub-Committee. The Minorities sub-Committee did not come to any definite conclusions on the subject, that is to say, on the question of special seats for these interests in the Legislatures, but there is nothing to warrant the view that the sub-Committee had no sympathy for the claims of these interests for special representation. On the other hand, the conclusions, arrived at so far are distinctly favourable to such claims being recognised definitely in the composition of the Legislatures in the future.

It is, however, desirable that the position should be cleared up by those members of the Conference who would be vitally affected by its decisions relating to the special interests. Speaking for myself as a Landholder, I would like to press upon you particularly the claims of the landholding interests in India for special representation on a proper and adequate scale. I am sure I can count upon a sympathetic consideration of our case. With your permission, therefore, I venture to put forward a few suggestions which, I hope, will receive that earnest attention which the weight of the subject deserves.

I may recall for a moment that a Statutory Commission rejected our claim for special representation in the Legislature though retaining special seats for Commerce and Universities. The reasons given were neither substantial nor conclusive, but roused our utmost anxieties as being indicative of a certain frame of mind in responsible quarters which, if not

challenged at the outset, might have far-reaching effects on our future interests and status. Our hope, however, lay in the fact that this view contradicted the findings not only of the Indian Central Committee but also of every Provincial Government except the Government of Assam where there is no special representation of Landholders' interests. It is not for us to reiterate that Mr. Montagu and Lord Chelmsford had in their Joint Report on Indian Constitutional Reforms observed that the landed aristocracy of India are recognised as her "natural and acknowledged leaders." In the United Provinces and the Punjab, the great Landholders occupy a unique position in society. In Bengal, too, round the Zemindars at the centre, has grown up an intricate system of rights and duties which it would not be possible to ignore. The Statutory Commission took some pains in drawing up a table supporting their contention that the landholding interests have been sufficiently represented on the various Provincial Councils even without the special representation accorded to them. This shows incidentally, the important part the Landholders still play in the public life of the country and the trust and respect which they command. But the Statutory Commission used the figures to prove that the claim of the Zemindars for special seats was superfluous. It is strange that it did not occur to them that the Landholders had their own special interests to represent and protect, and a Landholder who was sent up by a general constituency might often, quite conceivably, find himself in the most unhappy position of either having to sacrifice the interests of his own class or those of a constituency which he represents in a case of conflict of interests. Such conflicts are by no means likely to be rare, nor are they unforeseen. Thus, for instance, on all matters of tenancy legislation, taxation of incomes, payment of land revenues and the like, the interests of the Landowners require to be specially represented. It is very difficult to postulate identity of interest among the different classes in such cases. We are fortified in our contention by the findings of the Government of India in their Despatch on Proposals for Constitutional Reform. I take the liberty of quoting the relevant extract from their Report:—

"We have ourselves no hesitation in holding that this form of special representation should continue. Both the arguments and the statistics used by the Commission might, to our mind, have been used with special effect to destroy the special representation either of Commerce, or of the Universities both of which the Commission retain..... Such questions as tenancy and land revenue measures may be expected to occupy more prominently the attention of the Provincial Legislatures in the near future, and in the controversies likely to ensue, the landlords can reasonably claim that they should not be deprived of their special representation at a time when the extension of the franchise may well increase the difficulty of their securing representation on a general register." (Para. 39.)

With regard to the last point, it may be observed that we claim special representation not because of the possibility of our failure to be returned on a general register. Even if we are returned from a general constituency, we claim it, for reasons given above, all the same. It is not a correct reading of the situation to suggest that with political progress, the Landholders will necessarily have a diminishing influence in the public life of the country. The distinguished roll of public servants drawn from the landholding classes in our country is by no means negligible and in spite of cases of atrophy here and there, the general conclusion is by no means inevitable that the landowning interests of a country will be a back number in the Free State of India. Our interests and connections, ties and affinities, are too vast to permit us to occupy a position of second-rate importance in the India of the future. May I mention, as an illustration of this point, that the total revenue paid by the Landholders in India exceeds even the yield of the income-tax? That fact alone establishes our supreme interest in the constitutional arrangements of the future.

I may reiterate, however, what one of my distinguished colleagues said in the Provincial Constitution sub-Committee that in pleading for special representation for ourselves, we do not intend to encroach upon the rights of other communities for representation. On the other hand, I stand for the representation and protection of every special interest in the State; but its importance must be considerable and there is no denying as to the weight of the Landholder's claim for special representation. If I may be allowed to digress here for a moment, I will take the liberty of mentioning that a tendency of modern political thought is the increasing recognition of the importance of special social and economic interests and groups, and that much of the economic, political and social unrest of to-day is due to the failure of the mechanism of the modern State to adjust itself to the diversification and specialisation of these group interests. It is felt that the safety of democracy lies in the perfection of group life and its representation in responsible Legislatures. I make bold, with your permission, to refer to this new orientation of political thought and practice in order to remove the misconception that to ask for special representation is necessarily against national interest.

As to the number of seats to be allotted to us, in view of the importance of our interests and stake in the country, and of the comparative smallness of our number, we are entitled to claim an adequate basis of representation other than population. The need for it is all the more clear since it is obvious that in future the Legislatures are going to be largely increased in size. The claim of the landholding interests in Assam for representation should be recognised. As an illustration and nothing more than an illustration, I may be permitted here to refer to the insistent representations of the landholders of Goalpara as to the hardships they have been labouring under on account of the absence of their representation in the Legislature. It is needless to add that we claim proper and adequate representation, for reasons which I have already discussed, in both the Chambers of the Federal Legislature and the Provincial Legislatures.

As regards the *method* of representation, whether it should be direct or indirect, the procedure will be determined by the manner in which the two Houses of the Federal Legislature and the Provincial Legislature, will be constituted. The Federal Structure sub-Committee was "almost unanimously" agreed that the Upper Chamber of the Federal Legislature should be elected by the Provincial Legislatures on the single transferable vote. Whether this view is accepted by the full Conference or not, there is no doubt that the Landholders are eminently suited for membership of the Upper House of the Legislature. But this should be in addition to their representation in the Lower House, which in any case must be direct. If a Second Chamber is agreed for the Provincial Legislatures also, we have no doubt that the Landholders will be specially represented there. I have not intentionally raised the question of the number of seats that we want in each case for the reason that this may be left to future discussion and negotiation.

It is needless for me to emphasise, in conclusion, that the contentment of the Zemindars is a national asset of no mean value. On return from England after the adjournment of the last Session of the Conference, I have been struck by the anxiety with which my fellow Zemindars have been following the deliberations of the Conference. I have had the opportunity and honour of consulting their opinion, and I have tried to place their views, as I read them, in this Memorandum with as much moderation as possible. I take the liberty of appealing to my fellow delegates to realise the importance and justice of our claim and recognise definitely the need of adequate and proper representation of our interests in the Legislatures of our country.

22nd September, 1931.

ANNEXURE 7.

MEMORANDUM ON THE POSITION OF LANDHOLDERS (i.e., ZAMINDARS AND PROPRIETORS OF PERMANENTLY SETTLED ESTATES) IN THE NEW CONSTITUTION.

By the Maharaja of Darbhanga and the Raja of Bobbili.

The position of the big Landholders of India in any new constitution requires to be carefully considered by the Delegates, British and Indian, of the Round Table Conference. In the claims that large communities are putting forward for safeguards, the case of a section, which is small in numbers, is apt to be overlooked. But if the importance of this small section is realised, if the stake of the Landholders in the country is adequately appreciated and if the part they have so far played in steady and sobering public opinion is understood, there will be no hesitation in conceding to them their rightful position in the new order.

It has to be regretfully stated that at the first Session of the Conference, the case of the Landholders has not received that attention which it deserved. Sub-Committee No. III (Minorities) of the Conference which was expected to consider the question, devoted itself almost entirely to the claims of minority communities. It did not deal, with the single exception of the British commercial interests, with any of the *interests* which are in a minority as distinguished from communities. This result was perhaps inevitable as the big landholders, the representatives of the class on the Conference, the Maharajadiraja of Darbhanga, the Raja of Parlakimedi, were not members of the Committee. It is our earnest hope that this grave defect will be rectified before the Minorities Committee meets again.

Nor did sub-Committee No. VI (Franchise) deal with the question. That sub-Committee quite naturally felt that the nature and number of special constituencies should be first settled before it can deal with the nature of the franchise for such constituencies. That the problem was present in the minds of the members of the sub-Committee is obvious from the Report. The Franchise sub-Committee states: "we are of opinion that the franchise qualifications for special constituencies depend essentially on the nature of those constituencies. We are not empowered to consider the latter point nor are we in possession of information as to what special constituencies are contemplated. The question requires examination by a competent body."

The only Committee that, in spite of lack of representation on that body, considered the position of Landholders, is sub-Committee No. I (Federal Structure). In the course of the Report, it says: "opinion was unanimous in the sub-Committee that, subject to any report of the Minorities sub-Committee, provision should be made for the representation, possibly in both Chambers, and certainly in the Lower Chamber, of certain special interests, namely, the Depressed Classes, Indian Christians, Europeans, Anglo-Indians, *Landlords*, Commerce and Labour." It is noteworthy that there was unanimity of opinion as regards the need for special representation of Landlords in the Federal Parliament. How much more necessary it is to secure their representation by special constituencies in Provincial Legislatures, will be obvious to anyone who has appreciated the scheme of the Provincial sub-Committee. It has also to be noticed that the Federal Structure Committee expected the Minorities Committee to deal with and report on the claims of the Landlords for special representation.

It is under these circumstances that it has become imperatively necessary to present the case of the Landlords to the members of the Conference.

Status of Landlords.

The term Landlords, as used in connection with the demand for special representation in any constitution, is not clearly understood. It is apt to be confused with the owners of large areas of landed property under what is termed ryotwari tenure. The term has a specific connotation in

Indian politics. It has been understood to apply to the class of owners who are termed Zamindars and who are proprietors of land and not mere lessees from Government, of land. It is also sometimes thought that Zamindars were mere farmers of revenue under old assignments of Moghul Emperors. Some were of that character, but most of the Zamindars and in particular almost all the Zamindars of Southern India, and the Taluqdars of Oudh do not belong to this class. Their family history dates back to several centuries. Their ancestors were chieftains and rulers of vast areas. The houses of Darbhanga, Balrampur, Murshidabad, Burdwan, Venkatagiri, Bobbili, Jeypore, Pithapuram, to mention only a few, have historic traditions, not second to some of the important Indian States. Over a century back they entered into arrangements with the British power whereby in lieu of protection against invasion they undertook to pay a certain subsidy. These sanads or treaties are in their eyes, and must be regarded by the Paramount Power as sacrosanct.....as sacred as the treaties with present-day Ruling Princes. In essence there is hardly any difference between the sanads granted to these ancient Zamindars and the Treaties entered into with Ruling Chiefs. This historical perspective is necessary to appreciate and understand the position of the Landlords, and the claim they now put forward.

The Zamindars, holding a large stake in the country and to a certain extent conservative by tradition and instinct, have no desire to arrest progress or to thwart the legitimate ambitions of their countrymen. They are a part of the nation and are bound to take note of the surging tide of nationalism, and the unanimous desire for Dominion Status for India. But they will be false to their principles and untrue to their Order if they do not desire to preserve the inherited rights of their class and secure legitimate guarantees in the new order of things.

Landholders' Claims.

They claim that the Zamindars should have special representation in the Legislatures Provincial and Central as hitherto, and urge respectfully that this representation is more necessary now than hitherto.

(2) Realising that no reasonable amount of special representation can by itself be an adequate safeguard, they urge that in all Provinces there should be established bi-cameral Legislatures, the Upper House being a steady influence on the occasional impetuosity of the popular Chamber.

(3) Lastly, in view of the sanctity which they attach to the agreements entered into with them and the sanads granted to them by the paramount power, they urge for the inclusion in the fundamental rights of a clause securing the inviolability of the terms of such agreements and sanads. These clauses will be elaborated in this and succeeding papers; the present memorandum will deal with the question of special representation.

Special Representation of Landlords.

Ever since the inauguration of representative Legislatures in India, this class of Landholders has had a right by special representation of membership of these bodies.

In the Minto-Morley reforms this was conceded, and they formed a fourth of the strength of the elected members. In addition a considerable number of Landlords were nominated. This right was recognised and confirmed by the Montagu-Chelmsford scheme of reforms. Attention is invited to the very cogent reasons given in the Report on constitutional reforms of Mr. Montagu and Lord Chelmsford for the special representation of this class. It has to be remembered that the interests peculiarly affecting this class are still under the control of Executive Councillors and not popularly elected Ministers, and that they form a reserved subject. If it is further remembered that there is a considerable official bloc in the councils which is expected to hold the balance even between conflicting interests—it will

be clear how much more necessary it is, under the proposed scheme of provincial autonomy, to give adequate representation to Landlords.

The Simon Report.

An unfortunate recommendation of the Simon Commission that this representation may be abolished has led to the question being re-opened and has created the most widespread and genuine alarm among the Landlords. It can with perfect accuracy be stated that no recommendation of the Commission has been more severely and unanimously criticised than the one advocating the abolition of special representation to Landlords. The basis of the Report and its reasoning are alike incorrect and fallacious. The Commission was incorrect in its estimate of the number of Landlord representatives and wholly misappreciated the need for their representation by special constituencies.

It would perhaps be better if the Provincial Governments and the Government of India were left to deal with these recommendations. They at least could not be charged with motives of self-interest or with a desire to indulge in special pleading for their own Order.

The Provincial Governments' Criticism.

(1) Madras.

The Government of Madras in its Despatch dated 11th August, 1930, says "The Government of Madras consider that the Commission was acting on a wrong assumption when it considered that Landholders would necessarily exert such influence that their return would be assured and that, therefore, there was no necessity for a separate electorate. The signs of the times tend to the other direction, and it is extremely doubtful if, in the future, Landholders will be able to exercise the same interest as at present. There is a danger that Landholders, if they are sure of obtaining a certain number of seats by nomination, will not take the trouble to stand for election, and rather than run the risk of a council in which Landholders are represented by nominated members alone, the Government would prefer to continue their special electorates, as they originally suggested."

The Bombay Government is equally emphatic, and would, indeed, extend their representation. In its Despatch No. 1/161, dated 13th August, 1930, the Bombay Government states: "The Government of Bombay are unable to accept the recommendation regarding the special representation of Landholders, and adhere to their proposals submitted to the Indian Statutory Commission that, besides continuing the present representation of the Landholders, an additional constituency for them should be created for the southern division of the Presidency and one seat allotted to it. The argument that by virtue of standing and influence they have opportunities of being returned in the general constituencies applies to an equal extent to the commercial communities also, which, under the Commission's recommendation, are to have special electorates provided for them. The Government of Bombay, therefore, are of the opinion that in view of the importance of the Landholders and the steady influence, which they are likely to exercise in the councils, the privilege of special representation now held by them should be continued, and that, as Landholders in the southern division owing to the smaller number of electors in it, have, as a rule, had very little chance in the election against candidates in the central division a separate seat should be allotted to them in the southern division as suggested above."

Bengal.

The Government of Bengal takes the strongest objection to the extraordinary recommendation of the Commission, and in its Despatch No. 219

A.C., dated 15th August, 1930, says, "To the recommendations of the Commission on the subject of the Landholders' constituencies, the strongest objection is taken by several members of the Government. They urge that *the Landholders who are returned by general constituencies do not represent the Landholders' interests in the Legislative Council, but are governed by the views of the people in their constituencies and of the political party which has supported them in their elections.*

"A further argument used is, that the interest of the Landholders' representatives in stabilising the constitution is valuable, and, as it is considered important to introduce into the council every possible stabilising element, there is general agreement that the separate Landholder constituencies should be retained. There is some difference of opinion on the question whether their number should be increased proportionately to the increase in the number of members in the council, the majority being in favour of giving the Landholders' the same proportion as in the present council. But the actual number must depend on the decision about a Second Chamber." The Bengal Government's memorandum is important in two respects. It shows the futility, from the Landholders' point of view, of the argument that they can be returned by general electorates, and it correctly lays down that the principle of special representation is unaffected by the constitution of a Second Chamber.

The United Provinces.

In view of the present agrarian situation in the United Provinces, the views of the Government of that Province must carry special weight. In its Despatch No. 4949 C, dated August 23rd, 1930, it says, "The great Landholders of this Province have special electorates which return six members of the Legislative council. Can the ground that their standing and reputation, and the influence which they exert in their own localities have enabled them to share a large number of seats in the general constituencies, and are therefore such as to render special protection unnecessary, the commission have, subject to a certain safeguard to secure them their present representation, recommended the withdrawal of their respective special representation. This Government are unable to endorse the Commission's recommendation. Government hold that the representation which the great Landholders have been able to secure has not been disproportionate to their political importance in present conditions. It is almost inevitable that as the electorate gains political experience, it will tend to prefer representatives drawn from sources other than the great landed families and *the need for special representation is likely to increase rather than decrease.* This Government are unanimously and strongly in favour of the retention of the great landholders at the existing ratio and the Governor-in-Council desires to repeat the recommendation placed before the Commission. I am also to add that the Ministers consider that similar bodies of equal status (to the Agra Province Zamindars' Association) in other Provinces should also return their own representatives by separate electorates to both Chambers of the Provincial Councils and also to the Federal Assembly and the Council of State."

Bihar and Orissa.

The Government of Bihar and Orissa is not a whit behind the other Governments in this behalf and in their Despatch No. 4363 A.R., dated 23rd August, 1930, say, "The proposal to abolish special representation for the great Landholders has been strongly resented by the Landholders of this, as of other Provinces. Due weight must be given to their representations. The Commission appears to have been influenced unduly by the fact that the great Landholders have succeeded in all the Provinces taken together in being returned for four times as many seats as were specially reserved for them. It is to be noted, however, that in Bihar and Orissa, where the position and influence of the Landholders is as great

as, or greater than in other parts of India, the Landholders have not come off so well; they have only secured election in ten of the general constituencies in addition to the five reserved seats, and even these members, though possessing the qualification needed for the Landholders' constituency, *are not elected in that interest*. "Though prophecy is not easy and knowledge is impossible," there appears full justification for their apprehension that, with a larger number of voters, but with constituencies smaller in area, the Landlords will have greater difficulty in securing election and will not enjoy as favourable a position as at present. The Local Government attach great importance to the due representation of this class, not *qua* Landlords, but as stake-holders in the country, who can be trusted to add a sound element of responsibility to the councils, which may, under the democratic constitution now proposed, consist largely of persons who have little to lose by ill-considered legislation or ill-advised executive action. The presence of such an element in the council will be the more necessary when the official bloc is removed and the number of nominated members is reduced. His Excellency in Council and his Ministers consider that the arguments in favour of special representation completely outweigh the single argument put forward for its removal, and urge strongly that reserved constituencies should be kept for the Landholders in no smaller proportion than at present."

Punjab.

The Punjab Government in its Despatch No. 4766—8, dated 14th August, 1930, says: "We are impressed by the fact that, with the extension of of the franchise to a portion of the tenantry and a lowering of the rural property qualifications, Landholders of the class which stood for the special constituencies may have difficulties in securing representation. We consider them an important interest in the Province, and as we do not propose to have a Second Chamber, we would retain special representation for them in the Council."

This striking unanimity of official opinion cannot be ignored and must be given due weight. Nor, till the Report of the Simon Commission was published, was there any difference in non-official opinion on the subject. All the provincial committees which were associated in the enquiry of the Indian Statutory Commission recommended the retention of special representation for Landlords. The Indian Central Committee also urged its retention.

The View of the Government of India.

The picture will be incomplete without the views of the Government of India on the subject. In their Despatch No. 1 of 1930, dated 20th September, 1930, the Government of India state: "The recommendation of the Statutory Commission conflicts with the view expressed by the Indian Central Committee that this class of special representation should be retained. Every Provincial Government except the Government of Assam, where there is no special representation of Landlords, agrees with the Indian Central Committee, and considers that the special representation of the great Landholders is still needed in view both of the position of the class in the country and of the steadying effect which it is likely to have in the new Legislatures. The suggested abolition of their special representation has been received with feelings of resentment and dismay by the great Landholders themselves, and one of the first steps which they took on learning of the proposal was to form a representative delegation to present to His Excellency the Viceroy an address containing a weighty protest against the withdrawal of their present privilege. Particular objection has been taken by the Landlords themselves to the suggestion made by the Commission that, in the event of their failing to secure representation equivalent to the present number of their special constituencies, their representation should be obtained by nomination."

It may be emphasised here that the Government of India have rightly gauged the feeling of the Zamindars and Landholders on the proposals of the Simon Commission. The resort to nomination is a reactionary suggestion and cannot be offered to a class of people who have hitherto enjoyed the right of election. It is further open to grave doubt whether any section at the Conference would agree to the principle of nomination for any interest since such principle is fundamentally opposed to the scheme of provincial autonomy. Is the Governor of the Province to nominate and if so, is he to do so on the recommendation of the Ministry which will thereby augment its own strength and position in the Council?

The views of the Government of India are unequivocal on the need for the continuance of special representation for Landlords. The Despatch says: "We have ourselves no hesitation in holding that this form of special representation should continue. The success in general constituencies of persons possessing the special landlord qualification can rightly be regarded as a healthy sign of a greater readiness on the part of a conservative class to recognise their obligations and take up political responsibilities under an increasingly popular system of government. But prejudices still survive, and unless special constituencies are retained many leaders of this important class may still be unwilling to expose themselves to the hazards of election by general constituencies; and those Landholders who are elected by general constituencies may prove to be unrepresentative of the landholding interest. Such questions as tenancy and land revenue measures can be expected to occupy more prominently the attention of the Provincial Legislatures in the near future, and in the controversies likely to ensue the Landlords can reasonably claim that they should not be deprived of their special representation at a time when the extension of the Franchise may well increase the difficulty of their securing representation on a general register. The Government of India thus conclude their final and considered recommendation. "On the broad issue whether or not there should be special constituencies for the representation of the great Landholders we have no hesitation in accepting the view of the Indian Central Committee and of the Provincial Governments that they should be retained both in the Central and in the Provincial Legislatures."

In spite of the strong support of the Provincial Governments and the Government of India, the Landholders are disquieted as the proceedings of the Round Table Conference have not so far allayed their apprehensions or guaranteed their rights. This feeling was reflected in a resolution moved by a Landholder member in the Council of State so recently as September 23rd, 1931, whereby he urged that adequate representation should be given to Landholders in the future constitution of India with a view to protect their interests. The spokesman of the Government of India quite legitimately pointed out that the Government had supported the claim and suggested that the Delegates to the Round Table Conference may now be addressed on the subject.

The Landholders' delegation at the Conference, therefore, urge on their colleagues the justice of their claims and the need to meet them. They wish to point out that their stake in the country requires that they should be heard in vindication of their rights in the popular Houses of Legislature both Provincial and Central. They respectfully point out that if Landholders are returned through general electorates they will necessarily feel bound by the mandates of such electorates and that in those very vital issues where their class has to be represented, their obligations to the electorates will conflict with their duty to their order. They further feel that even as candidates in general constituencies with the most liberal intentions towards their tenantry, they will be exposed to merciless and unscrupulous attacks of those who desire to fight them in the election by exploiting the passions and class prejudices of their tenantry. They are emphatically of opinion that resort to nomination to secure their proper place in the Legislature is a humiliating device, and that, further, there is no section of the Conference which will accept such a device.

Landholders, therefore, claim that they should be granted special representation through special constituencies in the same ratio to the total elected strength of the House as at present, in both the Provincial and Central Legislatures.

In another memorandum the question of Second Chambers and the claims of Landholders with reference to such chambers will be dealt with.

ANNEXURE 8.

I.

STATEMENT ON BEHALF OF THE SARDARS' AND INAMDARS' CENTRAL ASSOCIATION OF THE BOMBAY PRESIDENCY.

Circulated by the Raja of Bobbili.

18th October, 1931.

1. On behalf of the Sardars' and Inamdars' Central Association of the Bombay Presidency representing the landed aristocracy and gentry of the Bombay Presidency who are commonly styled as "Landholders," we have the honour to present their case to His Majesty's Government and to the members of the Indian Round Table Conference.

2. The class of the "Landholders" is composed of Sardars, Inamdars, Jahagirdars, Saranjamdars, Talukdars and Watandars, each of which tenure has some specialities peculiar to it. The term "Inamdar" is more or less generic and has been used so as to include all the various tenures.

3. The landed aristocracy of the Bombay Presidency is an important part of polity from times immemorial. It founded empires, led armies, and was principally responsible for the civil administration, army and defence. It formerly wielded and still wields a great influence in society. It is in no way inferior to any other class in respect of education and culture, and has not been slow to move with the changing times. This class has the special advantage of coming into direct contact with the villages, for the development of which no class is better fitted. In paragraph 147 of the Montagu-Chelmsford Report it is said—

"The natural and acknowledged leaders in country areas are the landed aristocracy. They generally represent ancient and well-born families and their estates are often the result of conquest or grants from some mediæval monarch. By position, influence and education they are fitted to take a leading part in public affairs. Some of them are beginning to do so, and our aim must be to call many more of them out into the political lists."

This quotation is given to bring prominently to notice that the framers of the Report intended to lay down as a matter of policy that this class should be given proper facilities to play their part in the new order of things.

4. The interests of this class are extensive. In the Bombay Presidency proper (exclusive of Sind) this class holds 2,076½ villages as alienated, the total number of villages being 20,834½. The net revenue of the alienated villages and lands is Rs. 1,07,13,995, the land revenue of the Government villages being Rs. 4,30,15,007. Thus it can be roughly said that Sardars and Inamdars hold one-tenth of the number of Government villages, and hold one-fourth of its land-revenue.

5. The tenures, culture and political education of Sind being entirely distinct from that of the Presidency proper, our Association has restricted its activities to the aristocracy of the Presidency proper, and we are not going to offer any remarks about Sind and Sind Landholders.

6. Having described the interests of our class and their extent we proceed to trace the history of representation accorded to this class in the Legislature.

7. Since 1861, one person from our class was being nominated in the Bombay Legislative Council till the year 1892, when there was a change in the constitution of the Legislatures. Elective principle came in, and one seat was reserved to be elected by the Deccan Sardars only for the Bombay Council. The Order of Sardars of the Deccan is a creation of the Political Department of the Bombay Government, and the inclusion of any person in the list of Sardars depends exclusively on the sweet will of the Bombay Government. Thus the Inamdars, many of whom have interests much larger than those of many of the Sardars, remained unrepresented. The Order of the Sardars of Guzerath was created about the year 1903 and the Morley-Minto Reforms provided one more seat for them in the local council, the Inamdars who constitute the main bulk of the landed aristocracy remaining unenfranchised. Reforms of 1909 went further and the Landholders of the Bombay Presidency were given a seat in the Central Legislature, which was alternately shared by the landholders of Sind and Sardars of Guzerath, and landholders of Sind and the Sardars of the Deccan, the Inamdars being without votes.

8. The Sardars and Inamdars pressed their claims for special and adequate representation when the Rt. Hon. Mr. Montagu came to India in 1917, and waited upon him and His Excellency Lord Chelmsford in deputation. Our Association painfully notes that for no ostensible reason the Government of Bombay opposed the claim of Inamdars, and the Government of India saw no reason to interfere. Thereupon, our Association placed their case before the Joint Parliamentary Committee when it was formed, and being convinced of the justice of our cause, they reported that:—

“The special representation of the Landholders in the Provinces should be reconsidered by the Government of India in consultation with the local Governments.”

As a result of this, such Inamdars as *solely held a whole village as alienated* were included in the list of the voters for the seats for Sardars without increasing the number of seats for the Landholders.

9. We strongly complain that in spite of the expansion of the Bombay Council in 1892, in 1909, and in 1920 the Deccan Sardars and Inamdars are just in the same place as they were in 1861 when the Councils came into existence with respect to the number of their seats in it. However, we note that the claim of Inamdars for special representation at last found recognition at the hands of the Government.

10. We are not satisfied with this recognition merely. We claim *adequate representation*. Our claim for the greater number of seats does not rest merely on the extent of our interests. We are the only cultured class that come into direct contact with the village, and shall be of great use to the development of the country if proper facilities are afforded to us. The Montagu-Chelmsford Report says, “The natural and acknowledged leaders in the country areas are the landed aristocracy”, and they further observe in paragraph 148, “No men are better qualified to advise with understanding and great natural shrewdness on the great mass of rural questions which will come before the Provincial Legislatures”.

11. Our class has a large stake in the country, and by tradition we are endowed with a sense of responsibility and appreciate the difficulties of administration. The management of our estates brings us into contact with almost every department of the Government, and the presence of this class in adequate numbers will serve as a healthy check on hasty and ill-considered legislation.

12. We have persons of all castes, creeds and religions in our class, which, combined with our culture and social position, keeps us above the narrow feelings of communalism. At a time when the evil of communalism is rampant, our presence in adequate numbers will serve as check to it.

13. Wider powers have to be given to the Legislatures to cope with the strong demand from the public for the same, and they should be so constituted as to progress on proper lines. We record it as our considered opinion that this can be best achieved by giving the special interests so much representation as would effectively influence the deliberations and decisions of the Legislatures. We have confidence that representatives of the special interests like Landholders, Commerce and University will be persons of balanced views, and their voting will be guided by reason and responsibility. As the popular Chamber will have real power and control over the purse, great care has to be taken of its constitution; we advocate the policy of *effective representation of the special interests in it.*

14. With due weight to these considerations and without exaggerating our claim in any way, we modestly ask for twelve seats in the Bombay Council, and three in the Assembly, and one in the Council of State, if it is to be retained.

Second Chamber for Provinces.

15. It is the considered opinion of this Association that a Second Chamber consisting of the representatives of important interests like the Landholders, Commerce, University, and men of experience is a necessity in the interests of the people of the Bombay Presidency during the initial period of the introduction of autonomy until the Legislatures are accustomed to use the new powers with which they will be invested, and the voters fully learn by experience the importance of the right to vote. After an experience of twenty years, the Provinces should decide whether the Second Chamber should be continued or done away with. Our Association unhesitatingly states that the Simon Commission have put the cart before the horse in recommending that the Provincial Legislature should be unicameral at the outset and should afterwards decide whether to establish a Second Chamber.

16. It may be pointed out that this Association had waited in deputation on His Excellency Lord Chelmsford and the Right Honourable Mr. Montagu in 1917, and had submitted a scheme for a Second Chamber even then.

17. This Association recommends that the Second Chamber should be so constituted as to be above any tinge of communalism which can be secured by an electorate with high franchise and without communal basis. We think that a Second Chamber so constituted will be an effective preventive to the evils of communalism in the Lower House.

Guarantees.

18. While advocating full autonomy for India, we make it clear that specific provisions be incorporated in the new constitution for respecting the pledges and solemn engagements made by the previous Governments, and by the British Government.

19. As observed in paragraph 147 of the Montagu-Chelmsford Report, "the estates of the Landholders are the result of conquests or grants from some mediæval monarch". In pre-British times many of the Ruling Princes and many of the "Landholders" stood practically on the same level. After the introduction of the British Government, "Landholders" having extensive territories were constituted into Ruling Princes by entering into Treaties with them. Such of the old magnates as did not then possess extensive estates were not invested with territorial powers and these now constitute the class styled as the "Landholders" of the Bombay Presidency. Solemn pledges were given and Sanads were issued to them on behalf of the Secretary of State for India as representing His Majesty's Government that their estates would be continued to them without any further increase in land tax or succession duty. Our Association urges that the Indian or Provincial Legislatures should not be given any power to impose any tax on Inams and Saranjams in contravention to the terms of the Sanads and pledges, nor should they have any power to

attach, abrogate or curtail an Inam or Saranjam in any way either directly or indirectly.

20. As stated above, the Landholders and the Ruling Princes stood on the same level in pre-British times, the only difference being the extent of their estates and their political importance. While it is unanimously agreed that Treaties made with the Princes shall be respected, our claim for statutory provision for respecting the Sanads and pledges given by His Majesty's Government is just, modest and reasonable.

21. In conclusion, we have the honour to request the Right-Honourable the President and the Members of the Round Table Conference on behalf of our Association to give their favourable consideration to the statement and to our prayers.

A brief note on the aims and extent of the interest of the Landholders of the Bombay Presidency:—

The term "Landholders" includes only holders of alienated land, such as Talukdars, Sardars, Saranjamdars, Inamdars and Watandars, and not the holders of ordinary ryotwari lands. The tenures of such Landholders are of a special nature and have a special history. In several cases the grants of the Inams are from the Vijayanagar and still more ancient kings, in some from the Adilshahi and other dynasties, in others from later pre-British Governments. In several cases, i.e., the Desais and Deshpandes, the watans have been existing time out of mind and have been continued by successive Governments. The grants were for distinguished military service and some other useful service both to the Government and the people. These Landholders took an active part in both the Civil and Military Government of the pre-British period and acted as a reliable link between the people and the Government. The British Government, too, has after a careful enquiry guaranteed to continue the Inams by the issue of express orders and Sanads which have the same sanctity as Treaties and engagements. One of the main conditions of the Sanad is that the Inam would be continued for ever without increase of land-tax, if any, imposed thereon. These Sanads form the basis of the agreement between the Inamdars and the Government, and ought to be, as they have been hitherto, scrupulously respected. In the early part of the British Government when everything was in an unsettled state, the watandars have been of immense help both to the Government and the people. It was the watandars who, till the advent of the British Government, maintained intact the self-contained and self-sufficient village administration. Their utility has been since greatly diminished owing to the enforced commutation of the service.

The bulk of their interests involved.—Out of a total of 22,905 villages in the Presidency proper, 2,872, i.e., nearly 10 per cent. are Inam villages, and nearly 25 per cent. of the gross revenue of the Presidency proper is alienated.

All-principal castes, including the Muslim and Depressed Classes in the country, are included in this class of Landholders.

Condition of loyalty imposed on the Sanads.—As the loyalty clause in the Sanad might be stretched to any length by the Executive Government, our class is always shy of putting forth a hard front even to support its own rights and privileges, for fear of losing the holding itself, with the result that their prestige both with the Government and the people is being slowly undermined. Landholders have all along been sincerely supporting all popular movements. Consistently with their relations with Government, they have been helping the popular cause as far as it lies in their power. They are for full Dominion Status and will try to attain it.

The only anxiety of these Landholders is that the legitimate rights and privileges enjoyed by them time out of mind from generation to generation should be continued in future; and whatever form the future Government will take, it should have no power to encroach on the rights secured by express orders and Sanads and time-honoured and well recognised practices. In the ordinary course they should have no fear in that respect.

But, unfortunately, we see latterly occasional signs of tenants being set up against Landlords, with the result of agrarian disputes tending to unsettle the established order of things. If nationalisation of all lands is to come after all, no one, not even the Landholders, can stop it. It is, however, extremely doubtful and a disputed point if such a course is desirable in the interests of the country at large. For the good of the country in general, it is submitted that the rights of property enjoyed for a considerable time should be respected. So some necessary safeguards ought to be introduced.

Special representation in Councils.—So long as seats are to be allotted on the basis of special interests, the Landholders too have a right to have special and adequate seats provided for them. The special nature of their tenures and their historic importance as representing ancient aristocratic families deserve to be taken into special consideration as distinguished from the holders of ordinary occupancy lands. Just as trade, industry, education, etc., are to be allotted special seats, so Landholders should also be given special and adequate representation both in the Provincial and Central Legislatures.

Second Chamber.—The Second Chamber, which is mainly brought into existence to assure stability and exert a steadying influence will avert precipitous legislation, which the present political atmosphere indicates. There is a real necessity for such Second Chambers both in the Provincial and Central Legislatures—at any rate in the present stage of development.

In conclusion we wish to quote with approval the apt remarks of Rajah Sir Vasudev, Rajah of Kollengode, a very rich Jenmi of Malabar and sometimes a Member of the Madras Governor's Executive Council. "In future the differences of communities and religions will not look so large in the business of legislation as the differences are based on economic status. Even in the last few years questions of land-tenure have taken up much of the attention of the Legislative Councils and it has been regrettable to notice that the tendency of the Councils has been to undermine the position of the Landholders in relation to tenants. With the large extension of the franchise that is now proposed this tendency is likely to be further emphasised in the future, and we, Landholders, cannot look equanimity to that future unless we are given sufficient safeguards, of which one must necessarily be separate and adequate representation in the future Council."

Copy of some of the resolutions passed by the third Conference of the Sardars, Inamdars and Talukdars of the Bombay Presidency, held at Dharwar on 30th and 31st May, 1931, under the Presidentship of Rao Bahadur Sardar M. V. Kibe.

Resolution No. 1.

(a) This conference records its keen disappointment and strong protest that no representative of the Bombay Sirdars and Inamdars' Class was invited to participate in the deliberations of the Round Table Conference in spite of the repeated requests from this class.

(b) This conference brings to the notice of Government once more the history, traditions, the vast extent and the special nature of the interests of this class in this Presidency, which, being entirely distinct from those of the Landholders in other Presidencies, makes it impossible for a representative of the Landholders in other parts to represent the views of this class, and requests Government to invite representatives of this class from this Presidency for the deliberations of the Round Table Conference.

(c) This conference notes with disappointment that the views of the Landholders of India in general, and of the Bombay Presidency in particular were not put forward before, nor did they receive proper consideration at the hands of the Round Table Conference, in spite of the fact that a special Committee for the minority interests was appointed by the Round Table Conference.

(d) This conference considers that unless the class of Sirdars and Inamdars which forms the greatest special interest of Bombay Presidency is adequately represented, the Round Table Conference cannot be said to be really representative.

Proposed by SARDAR V. N. MUTALIK.

Seconded by SARDAR G. N. MUJUMDAR, M.L.A.

Supported by MR. H. R. DESAI, M.L.C.

Supported by HON. SARDAR JAGANNATH MAHARAJ.

Supported by SARDAR S. A. SARDESAI, RAKASGI.

Resolution No. 2.

This conference urges the Government of India and the Government of Bombay to recommend to His Majesty's Government and the Round Table Conference and requests His Majesty's Government and the Round Table Conference to take steps to incorporate statutory guarantees in the new Government of India Act for undisturbed continuance of alienations without any diminution. This conference expressly points out that alienations are not liable to any interference or diminution.

Proposed by SHRI. NANASAHEB MUTALIK.

Seconded by SARDAR G. M. MUJUMDAR, M.L.A.

Resolution No. 3.

Having regard to the conditions in the Presidency the conference considers that a Second Chamber is a necessity for the Presidency.

Proposed by SARDAR DAJISAHEB PATWARDHAR.

Seconded by SHRI. NANASAHEB MUTALIK.

Resolution No. 4.

This conference disapproves of the policy of the Bombay Government regarding the forfeiture of properties held under Sanads without getting any decision of a Civil Court and recommends Government that the properties so forfeited without obtaining any decree should be restored.

Proposed by SHRI. L. M. DESHPANDE.

Seconded by SHRI. NANASAHEB MUTALIK.

Supported by

SHRI. JAIRAMDAS DESAI and P. K. SHIRALKAR.

Resolution No. 5.

In view of the policy as adumbrated in the Government of India Act, 1919, and in the recent speeches of the Prime Minister representing the British Government, this conference is of opinion that Sardars, Inamdars and Watandars, in their own interest as well as in the interests of the country should work actively to achieve full Dominion Status for India by all constitutional means.

Proposed by SHRI. L. M. DESHPANDE.

Seconded by SHRI. J. B. DESAI.

Supported by SHRI. GOPALRAE DESHPANDE.

Resolution No. 6.

This conference considers it necessary that the class should co-operate with all the leading political parties in India with a view to shape and help the future constitution and progress of the country and so self-guard its own interests.

Proposed by SHRI. G. R. JAHIGIRDAR.

Seconded by G. T. DESHPANDE.

Resolution No. 7.

In view of the policy pursued even under former Governments and in view of the understanding arrived at the time of the Settlement of the Watandars of the District Hereditary Officers, this conference requests Government to follow a liberal policy in granting permission to adopt outsiders by levy of Nazrana where there are no persons in the Watan Family existing with a view to preserve ancient Watandar Families.

Proposed by SRI. H. R. DESAI.

Seconded by SARDAR BABASAHEB BULLAPA DESAI.

ANNEXURE 9.

MEMORANDUM ON SECOND CHAMBERS IN PROVINCES.

By the Maharaja of Darbhanga and the Raja of Bobbili.

We desire that in the Provinces there should be established an Upper House or a Second Chamber which will function as most such Chambers do, as a revising authority in legislative matters. We do not desire to go into any details as to the functions of such Chambers and their relations with the Lower House. These matters could be adjusted once the principle of the establishment of Second Chambers is generally agreed upon.

At the last Session of the Round Table Conference, this question was considered by sub-Committee No. 11 (Provincial Constitution) and the recommendation of that sub-Committee was as follows:—

“The existing Provincial Legislatures are unicameral. The sub-Committee recognise that conditions in some Provinces may make it desirable that the Provincial Legislatures should be bicameral, but the decision to incorporate a Second Chamber in the new constitution of any Province other than Bengal, the United Provinces and Bihar and Orissa where opinion in favour of a Second Chamber has already been expressed, should not be taken until opinion in the Province definitely favours this course.”

Two questions which arise for consideration on a perusal of this recommendation are: Whether the Provinces mentioned therein are the only Provinces which have expressed in favour of Second Chambers, and whether the principle of obtaining the opinion of each Province on so fundamental an issue can be adopted. If it is considered that the course suggested by the Committee should be pursued, a further question of an ancillary nature, but by no means of secondary importance, arises, as to how and when provincial opinion should be obtained on the subject.

We are clearly of opinion that the establishment of Second Chambers is so fundamental an issue, not merely in regard to vested rights and interests, but to the proper working of the constitution, that we cannot contemplate with equanimity the differential treatment of Provinces in this behalf. The Provinces of India cannot be compared with the States of any of the well-known Federations. In Canada and Australia, the units making the Federation are comparatively small in area and population. In the United States the Federating units are in some instances not much larger than the biggest district of a Province. It has been possible, therefore, and even desirable in dealing with such small units of a federation to give a certain degree of latitude and not to enforce a uniform system of bicameral Legislature in all the Federating units.

The size and population of the provincial units of the Indian Federation afford the best argument against the proposal of the sub-Committee. The population in some of the provinces left out of consideration by the Committee varies from 20 millions to 45 millions. It is inconceivable that at the threshold of a new era of a great constitutional reform, the affairs of such vast

areas and populations should be left to the untrammelled control of a single Chamber. No expedient of a power of veto or other extraordinary powers vested in a governor will be in practice effective. The check for over-hasty or panicky legislation must be found from within and cannot either effectively, or for long, be imposed from without. We, therefore, strongly urge for the establishment of a bicameral system of Legislature in all the Provinces.

Indeed, it is hardly necessary to point out that the expedient of a Second Chamber is in fact a better method than the vesting of extraordinary powers in a Governor to secure the democratic character of the constitution. While in the initial stages of development such Second Chambers will necessarily play a considerable part in securing the careful and adequate consideration of all legislation, the growing experience of the Lower House would naturally tend to make the occasions of interference by a Second Chamber fewer and fewer. It is obvious, therefore, that while a governor's veto may be a dead wall arresting progress, the system of bicameral Legislature contains within itself elements which will make for the healthy and vigorous growth of democracy.

The Simon Commission in their Report first suggested the desirability of establishing Second Chambers only in some Provinces. The Government of India in their Despatch have followed up the suggestion and have limited the recommendation to those Provinces where Provincial Governments have agreed to the establishment of such Second Chambers. It would be unfair, however, both to the Provincial Governments concerned, and to the Government of India, to conclude from this recommendation that they are not in favour of Second Chambers. The fact cannot be overlooked—and this has a very great bearing on the consideration of the question at issue—that the various Provincial Governments in their Despatches were not contemplating the constitution which is now emerging from the deliberations of the Round Table Conference. The ideal of "a federation of all-India is still a distant ideal" according to the Government of India. They, no doubt, contemplated a sort of federation of Indian provinces, but even this was severely limited by various considerations arising out of the present system of unitary control. And in their Despatch the Government of India stated "We require a vigorous central authority capable of sustaining the heavy burdens that necessarily fall upon it . . . It should be in a position to mobilise the experience, talent, and resources of all India for the more efficient pursuit of such objects as agriculture, medical or economic research. It must also possess powers of intervention if developments in any Province are such as affect any other part of India, or the administration of any central subjects".

It is not unnatural that under such a scheme the constitution of bicameral Legislatures in the Provinces was not considered an urgent necessity, and the Government proposed to leave the question to be decided by Provinces. But, with the emergence of the idea of an all-India Federation; with the desire expressed by States of entering into such a federation, the position has entirely changed. One result of the acceptance of an all-India Federation as the immediate objective, has been an appreciation in the position of British India Provinces. These Provinces are no longer content to be in the subordinate position and under the leading strings of a Central Government, which they have hitherto been. In fact, the claim is put forward by British Indians that Provinces should practically be sovereign States not much inferior in status to Indian States in relation to the new Federal Government. The States themselves have made it clear that they will not tolerate any process of levelling down, but that the natural corollary of the acceptance of the idea of federation should be the levelling up of Indian Provinces to the status of Indian States.

It cannot, therefore, be denied that either directly on the formation of an all-India Federation, or very soon after, Indian Provinces will have greatly enhanced powers and will be comparatively free from centralised control, supervision or even advice. This process of levelling up

is bound to grow at an accelerated pace until the Provinces become sovereign units in the new federation. Is it then possible to take the same "indifferent" interest in the creation of bicameral legislatures in Provinces under such vastly changed circumstances and when these units have virtually full powers within their jurisdiction? There can only be one answer to the problem, that in the new constitution every Province must have a bicameral Legislature, the Upper House acting as a wholesome restraint always on the Lower House.

In supporting the proposal for a strong Second Chamber, at the Centre, in addition to the extraordinary powers vested in the Governor-General, the Government of India very cogently argue that though "the Governor-General will continue to be charged with the duty of securing those purposes which will be the concern of Parliament, it is desirable that, as far as possible, those powers should not be brought into play in opposition to the wishes of the Assembly, until the decisions of that body have been reviewed by the calmer judgment of the Council of State". It is obvious that this argument applies with equal force to the provincial administrations and to the powers proposed to be vested in provincial Governors.

Even with reference to those Provinces in which the Government of India do not immediately contemplate the establishment of a Second Chamber, they do not appear to be certain that a single Chamber will be always safe or effective. They state: "Future circumstances may create a demand for a Second Chamber. We accordingly accept the suggestion of the Government of Madras that the subject should be included among those matters on which after ten years a 'constitutional resolution' may be passed, and would apply the provision to all Provinces, leaving it open to a Provincial Council to recommend the creation of a Second Chamber, where none exists, or the abolition of one that has been set up. We do not take it as certain that no Provincial Council will pass a resolution to substitute for a unicameral, a bicameral system. We would suggest that a resolution dealing with the creation or abolition of a Second Chamber should require to be supported by not less than three-fourths of the votes of the Legislature instead of the proportion of two-thirds suggested by the Simon Commission for other matters.

This recommendation of the Government is so extraordinary that it requires some consideration. The optimism of the Government that they do not think it is certain that "no Provincial Council would recommend the creation of a Second Chamber" is as striking as it is ill-founded. It is difficult to find an example of a State with a single Chamber afterwards resolving to saddle itself with a Second Chamber, to revise or suspend the decisions of the first Chamber. History affords no such instance of self-abnegation on the part of a popularly elected Chamber. Further, when it is remembered that the Government of India seriously suggest that a three-fourths majority of the popularly elected Chamber should vote for the creation of a second Chamber which will check the vagaries of the first Chamber, the suggestion becomes fanciful. Is it conceivable under any circumstances in any country that three-fourths of the number of elected members of a popular House will have so little faith in their own wisdom and fair-mindedness as to suggest that their judgment should be revised by a Second Chamber?

The truth is that the Government of India have reversed the position and have therefore landed themselves in a sort of awkward blind alley. Their line of reasoning ought to have led them to recommend the constitution in each one of the Provinces of a bicameral Legislature. Power should then have been taken to alter the constitution at the end of ten years by a constitutional amendment adopted at a joint session of both Houses by a three-fourths majority. This is the only practical and constitutional method of working the newly enlarged provincial administrations. The need for a Second Chamber is greatest at the initial stages and not after a period of ten years, when popularly elected Chambers learn by experience to restrain their impetuosity and get accustomed to the use of power.

We therefore strongly urge the establishment of bicameral Legislatures in all Provinces, and we are prepared to consider the incorporation of a provision for a constitutional amendment such as outlined by the Government of India for the abolition of Second Chambers at the end of ten years.

In asking this much we feel we are doing nothing unreasonable, because once it is admitted—and it has been admitted by everyone without any reservation—that the consensus of public opinion is for the retention of residual powers in the Provinces, it logically follows that there should be created Second Chambers in the Provinces.

It may be asked why, among others, Landlords require a Second Chamber in the Provinces, when they have already demanded special representation in the popularly elected Chamber. The reason is obvious. Because the claim for special representation in the popular Chamber arises out of a desire on their part, not indeed to affect by their own vote the decisions of that House, but to have their case properly presented for consideration by the members of that body. The Landlords realise that they cannot have by special representation in the popularly elected Chamber such number of members as can in any way influence the actual voting on matters in which they are interested. Also, before a question comes up before the Second Chamber it is highly essential that every effort should be made for the Lower Chamber to appreciate the special point of view of Landlords. If that point of view is ignored or brushed aside by the Lower Chamber, then one real safeguard can only consist in the revising or suspensory powers of the Second Chamber. It must, moreover, be clearly realised that Second Chambers are claimed by, and are intended for, not merely Landlords, but other large interests as well.

In this connection it has to be specially explained that Second Chambers in the Provinces do not help the interests of the Landlords only. They serve to an equal extent all those special interests like the Universities, Labour, and Commerce. And thus the Second Chambers tend to ensure the rights and privileges of the important minorities. Again in this connection it has to be pointed out that the Madras Presidency, more than any other Province, richly deserves a Second Chamber, because the Madras Presidency contains the largest number of ancient and large Zamindars than any other Province.

There remains the minor question as to how, and when, if at all, provincial opinion should be obtained as to whether a Second Chamber is required in any Province. It is obvious that in the Provinces referred to in the Report of sub-Committee II such opinions have been obtained from the Legislatures constituted under the present Act. It would be grossly unfair if, with respect to other Provinces, this ascertainment of opinion should be postponed till councils are constituted under the new Act, when perhaps members would have been returned with a mandate to oppose the creation of Second Chambers. Parity of conditions require that the same procedure should be followed in all Provinces and that the existing Legislatures should be invited to express an opinion should it still be considered necessary to get such opinions.

In this connection, it has to be noted that the Madras Legislature has already expressed itself in favour of the creation of a Second Chamber. The Provincial Committee elected by the Council to co-operate with the Statutory Commission recommended in its Report that a Second Chamber was necessary for the Provinces. This Report was discussed and was adopted by the Madras Legislative Council in a resolution passed on the 12th of August 1929. It is, therefore, submitted that in any event Madras should be included in the Provinces for which a recommendation for the creation of Second Chambers has been adopted by the Provincial Constitution sub-Committee of the Conference.

We strongly urge, therefore, on our colleagues of the Round Table Conference the need for the establishment of Second Chambers in all Provinces. Without such a revising chamber, we are bound respectfully to point out that we do not feel that provincial administrations can run smoothly or efficiently.

November 23rd, 1931.

ANNEXURE 10.

MEMORANDUM REGARDING DEFENCE.

By Mr. B. V. Jadhav.

A sub-Committee of the Round Table Conference was constituted last year to consider questions of Defence, and they recommended:—

(a) "That immediate steps be taken to increase substantially the rate of Indianisation in the Indian Army to make it commensurate with the main object in view, having regard to all relevant considerations, such as the maintenance of the requisite standard of efficiency.

(b) That in order to give effect to (a) a training college in India be established at the earliest possible moment, in order to train candidates for commissions in all arms of the Indian Defence Services. This college would also train prospective officers of the Indian State forces. Indian cadets should, however, continue to be eligible for admission as at present to Sandhurst, Woolwich and Cranwell.

(c) That in order to avoid delay the Government of India be instructed to set up a committee of experts, both British and Indian (including representatives of the Indian States) to work out the details of the establishment of such a college."

The Government of India accordingly set up a committee under the Chairmanship of General Sir Philip Chetwode, the Commander-in-Chief of India, who submitted their Report to the Government of India.

Copies of this Report have been supplied to the members of the Round Table Conference.

I beg to submit that it is very desirable to convene a meeting of the Defence Committee of the Round Table Conference to consider the recommendations made by the Expert Committee and thus afford the members of the Defence Committee to place their views before the Round Table Conference. But if the Government do not see the necessity of calling a meeting I take this opportunity of placing my views before the members of the Conference with a hope that the authorities here and in India will give due consideration to them.

The proceedings of the Committee of Experts were opened at Simla on the 25th of May, when the Chairman, the Commander-in-Chief, informed the Committee of the Government's proposals for an immediate extension of the field of Indianisation in the Army to a force equivalent to a complete division of all arms and a cavalry brigade, with proportionate provision for ancillary services, staff, etc. These proposals involve an output of about "60 Indian King's Commissioned Officers a year". The Committee's task was stated to be "to draw up a scheme for a military college capable of producing this output".

I must state here that I am among those who do not approve of this method of Indianisation by dividing the Indian Army into two groups, Indianised and un-Indianised. I think that Indianisation should proceed from the bottom in all the units of the Indian Army.

In paragraph 14 of the Report reference is made to a decision of the Government "gradually to reorganise the officer establishments of Indianising units on the British pattern, consisting of 28 commissioned officers in a battalion, as compared with the existing establishments of 12 King's Commissioned and 18 or 19 Viceroy's Commissioned Officers. This decision involves the eventual elimination of the Viceroy's Commissioned Officer, no less than the British officer, from Indianising units".

I have to raise a voice of protest against this decision of the Government of India which they took three years ago and managed to keep it as a secret. It was casually alluded to in the speeches by the Commander-in-Chief and the Secretary, Military Department, in the two Houses of the Indian Legislature. But the words used were so cleverly enigmatic that none of

the non-official members were able to realise their full implications. The decision of the Government of India thus remained a close secret.

The rank and file of the unfortunate division condemned to Indianisation under the scheme have no idea what is in store for them. Their chances of promotion for efficiency and meritorious service are completely blocked. They will not get any promotion as Viceroy's Commissioned Officers like their brethren in the un-Indianised divisions. The prospects of promotion in the two units will thus be vastly different and this fact when known will certainly have a bad effect on the recruitment and morale of the Indianised division.

The advent of the Indian officers who will replace the British officers will at the same time stop the promotions of the rank and file and the latter are bound to look upon them as inimical to their interests. A feeling of hatred is likely to be engendered against them and it is feared that discipline will materially suffer. If the fears are realised the Indian officers will be exposed to the charge of incompetence and this may ultimately lead to the condemnation of Indianisation.

The Civil Service and officers of the civil side of Government are treated with great consideration. Whenever any new change is introduced care is taken to see that it does not prejudice the interests of those who were enlisted before the introduction of the change. They are given an opportunity to place their case, compensation is provided for any loss that may befall them and everything is done so that there should be no discontent. The most glaring instance of this policy that occurs to me is the sudden increase in the number of Executive Councillors in Bengal, Bombay and Madras in 1921. Up to that year the work was done by three Executive Councillors of whom one was an Indian. Civil Servants had in prospect two Executive Councillorships and care was taken that their prospects should not suffer. So although half the work was transferred to the newly appointed Ministers and there was not sufficient work for two Executive Councillors their number was raised to four so that under the provisions of the Government of India Act the number of Executive Councillorships open to the Indian Civil Service should remain at two as before. This has entailed unnecessary heavy expenditure and at the same time made the administration top heavy. But it was looked upon as justifiable to keep the service contented.

But in the Indian Army, Government has decided to do great injustice to the rank and file of the Indianised division only. I am not aware of any compensation that is intended for them.

I submit that this step is sure to affect recruitment and discipline in the unit selected. The Government of India have exposed themselves to the charge of breaking their promise to the privates and non-commissioned officers already in service. They joined with prospects of getting Viceroy's commissions in due course if found fit and under the new scheme their advancement is wholly blocked. The distinction between the Indianised and un-Indianised divisions is invidious. The latter have every chance of promotion, the former have none and this for no fault of theirs.

Another objection to this decision is that it adds unnecessarily to the cost without in any way increasing efficiency. Sixteen King's Commissioned Officers in each battalion are to replace 18 or 19 Viceroy's Commissioned Officers. The cost will increase nearly fourfold in salaries alone. The leave allowances, travelling expenses and other charges will also increase the cost.

The Viceroy's Commissioned Officers have done very good service and no officer of note has ever branded them as inefficient. The change is not called for and I submit that the Government of India should consider its decision.

The strongest objection from my point of view is that the change will materially retard the rate of Indianisation. If every battalion is to absorb 28 officers instead of 12 as at present, it is clear that if Indianisation under the old scheme would have taken (*n*) years, under the new scheme as put forth in the Government of India's decision Indianisation will surely take ($\frac{7}{3}n$) years.

The minutes of dissent have put forth other objections which I think are worth considering.

The Defence sub-Committee of the Round Table Conference recommended that Indian Cadets should be eligible for admission to Sandhurst, Woolwich and Cranwell. The Committee in their majority report have rejected the recommendation. I am of opinion that the Chetwode (Expert) Committee had no right to revise the decisions of the Round Table Conference. I am in general agreement with the arguments that have been advanced in the dissenting minutes on this point.

I strongly urge that the college should be opened as early as possible and not later than November, 1932.

16th November, 1931.

ANNEXURE 11.

THE PROBLEM OF THE ARMY IN INDIA.

By Diwan Bahadur M. Ramachandra Rao.

1. The discussions in the Federal Structure sub-Committee on the Army question were mainly directed to the constitutional problem in relation to the defence of India. While I am in general agreement with the scheme proposed by Sir Tej Bahadur Sapru and others during the discussions in the sub-Committee in regard to the future control of military policy and administration during the period of transition, I am of opinion that several questions relating to the size, functions and organisation of the Army in India have not received yet adequate attention from the sub-Committee or of the Conference as a whole. The meetings of the Defence sub-Committee were held during the closing days of the Conference in January last with very restricted terms of reference, and the general conclusions reached in that Committee did not cover the whole ground of the problem of the defence of India in all its aspects. The Prime Minister's declaration on the 19th January last has made it clear that the responsibility for the affairs of India is to be placed on Indian shoulders. Whatever be the measure of constitutional advance that may result from the labours of this Conference, a self-governing India must be eventually in a position to provide itself with armed forces commanded by Indians and fit to undertake the defence of the country. The only position compatible with responsible self-government in India similar to that prevailing in the Dominions, is an Army officered and controlled by Indian officers and responsible to a Federal Government in India. This aspect of the question was fully recognised by the Defence sub-Committee of this Conference in its Resolution No. 1, which was to the effect that "the sub-Committee consider that with the development of the new political structure in India, the defence of India must, to an increasing extent, be the concern of the Indian people, and not of the British Government alone". In order to give practical effect to this principle, they recognised "the great importance attached by Indian Courts to the reduction in the number of British troops in India to the lowest possible figure," and recommended that the question should form the subject of early expert investigation. They also recommended that immediate steps should be taken to "increase substantially the rate of Indianisation in the Indian Army, to make it commensurate with the main object in view, having regard to all relevant considerations, such as the maintenance of the requisite standard of efficiency". They agreed that a training college in India should be established at the earliest possible moment, and suggested the appointment of a committee of experts to work out the details of the establishment of such a college.

2. It was generally expected that the Reports of the two Committees suggested by the Defence sub-Committee would be ready and be made available to the members of the Conference during the present Session. In regard

to the early expert investigation concerning the reduction of British troops in India, suggested by the Defence sub-Committee, it is understood that the Government of India have, in consultation with the Secretary of State for India, appointed in May last a committee of military experts to go into the question, but its composition and terms of reference are not known. It is believed, however, that the Committee is wholly composed of military officers. It was expected that when this Conference resumed its labours during the current session, the Report of this Committee would be placed before the Conference. In answer to an inquiry by me, I was, however, informed that the expert investigation which was started early in December was still proceeding, and that the India Office has stated that "it is too early as yet to say at what stage the results of this Committee will be available". It is clear, therefore, that during the present sittings of the Conference, this report will not be made available, and it is not known whether this report will be published. It is unfortunate that so representative a gathering as this Conference should terminate its proceedings without expressing its considered views on the vital problem of the defence of India, with special reference to the reduction of the British garrison, in the light of the expert investigation suggested by the Defence Committee.

Strength of the British Troops in India.

3. For several years Indian political opinion has expressed itself in no uncertain terms on the subject of the reduction of British troops in India, both on political grounds and also as a measure of economy. It is unnecessary now to dwell on either aspect of the question at any length. The arguments are well known to every member of this Conference and have been elaborated almost every year in the Indian Legislative Assembly and also at the annual meetings of all important political organisations in India.

4. On the eve of the Indian Mutiny, the Indian troops in India outnumbered the British by eight to one. The total strength of the European troops serving in India about the year 1857 was 6,170 European officers, 39,502 non-commissioned officers, rank and file, and 465 European veterans, making a total of 45,107. Before the mutiny campaigns were over, the British Garrison in India was raised to over 70,000 men and the Army Commissions which sat since the Mutiny, laid down fixed proportions of British to Indian troops, which were accepted as matters of high policy. In consequence of this, these proportions were only slightly varied, and the strength of the British Army in India, as determined almost immediately after the Mutiny, has been maintained more or less at the same level. In 1885, on account of the supposed danger of a Russian invasion, 10,000 British and 20,000 Indian soldiers were added to the Army, and the total strength of the Army in India, as it stood in 1887-88 was 74,000 British and 145,000 Indian soldiers. The actual strength of combatant troops of the Army in India in 1903 was 77,075 British and 142,087 Indian ranks. During the Great War, there was a great expansion of the Indian ranks, but on 1st September, 1923, the strength of the British Army in India was 15,924, and the Indian Army was 124,507. Corresponding figures on the 1st April, 1931, are 58,558 and 132,977. It will be seen from the above summary that the proportion of the British to Indian troops before the Government of India was taken over by the Crown was 1 to 8, and after that event this proportion was generally 1 to 2. In 1879, the Peel Commission fixed this proportion at 1 to 2 for the Bengal Army, and 1 to 3 for the Madras and Bombay Armies. This was subsequently changed to the general ratio of 1 to 2.5, and the ratio is practically the same at the present day.

The Purpose of the Army in India.

5. Various reasons have been assigned from time to time for the maintenance of this large British Garrison in India, and I should not have referred to these reasons but for the "assurances" said to have been given to the Indian Statutory Commission on this matter. The Statutory Com-

mission say that "they have been assured the Army is not artificially enlarged; with a view to making some portions of it available for service elsewhere or for the purpose of keeping on Indian soil a reserve not needed in India. at the expense of the Indian taxpayer. Its strength is not more than is calculated to be necessary for meeting the emergencies of internal disorder and the possibilities of external attack". (Page 172, Vol. II.) The Report does not state the persons and authorities who had given these assurances. These assurances are opposed to the statements made by responsible authorities, from time to time, to which it is necessary to invite attention. Though it was laid down by one of the Commissions that the purpose of the Army in India was "to prevent and repel foreign aggression, to prevent armed rebellion within British India and to overawe the armies of feudatory native States", the military policy of Great Britain was not solely dictated to meet the actual requirements for the purpose of internal and external security of India. The whole subject of the organisation of the Army in India was reviewed by the Peel Commission in 1858 and by the Eden Commission in 1879. The recommendations of these bodies linked up India with the general scheme of Imperial Defence of the British Empire, and the Indian Army as now constituted is not confined to meeting the legitimate domestic requirements of India, but is also intended to meet the requirements of British Imperial policy. These facts cannot be denied.

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The Marquis of Lansdowne.

6. The late Marquis of Lansdowne, who was Secretary of State for War at the time of the Welby Commission, stated in his evidence that if India were isolated from the United Kingdom, it would be certainly not necessary to maintain a force such as is borrowed from the United Kingdom, and in the same degree of efficiency. He said that the Indian Army was organised with a view to the possibility of its employment upon operations which have nothing to do either with the internal policy of the country, or with the mere repression of tribal disorders upon the frontier. In his answers to further questions, His Lordship remarked that the present system was really in a great measure contrived to serve the two-fold requirements of Britain on the one hand and India on the other, and that millions of money had been spent on increasing the Army in India to provide for the security of India, not against domestic enemies or to prevent the incursions of the war-like peoples of adjoining countries, but to maintain the supremacy of the British power in the East

Lord Curzon.

7. In his introduction to *The Indian Corps in France*, another Viceroy, Lord Curzon, observed that "The Indian Army in fact has always possessed and has been proud of possessing a triple function; the preservation of internal peace in India itself; the defence of the Indian frontiers; and preparedness to embark at a moment's notice for Imperial service in other parts of the globe. In this third aspect, India has for long been one of the most important units in the scheme of British Imperial Defence, providing the British Government with a striking force always ready, of admirable efficiency and assured valour". Attention is also invited to the Report of the Esher Committee on the Army in India, who stated that the Committee could not consider the administration of the Army in India otherwise than as part of the total armed forces of the Empire. The Committee were requested in considering their recommendations to avoid, if possible, framing them in such a manner as might hereafter prove inconsistent with the gradual approach of India towards Dominion status. But the Committee stated that for the purpose of the Report they accepted the relations of India to Great Britain and to the Empire as they stood on the date of the Report in November, 1919. It is unnecessary to refer in detail to these recommendations, but the point is that while the

armies of self-governing dominions are organised and maintained to meet their own requirements, the Indian Army is part of the British Imperial system and the Esher Committee proceeded to make their recommendations on this basis. In the first session in 1921 the Indian Legislative Assembly emphatically repudiated the assumptions underlying the Report of the Esher Committee that the Army in India could not be considered otherwise than as part of the armed forces of the Empire, and that the military resources of India should be developed in a manner suited to Imperial necessities.

Mr. MacDonald.

8. Finally, I might also refer to the observations made by the present Prime Minister, Mr. MacDonald, in his book on the Government of India. He says: "What is the proper charge for India to bear for this occupation? A large part of the army in India—*certainly one-half*—is an Imperial Army which we require for other than purely Indian purposes, and its cost, therefore, should be met from Imperial and not Indian funds. When we stationed troops in other parts of the Empire, we did not charge them upon the Colonies, but in India we have the influence of the dead hand. . . . A self-governing India would no doubt insist upon bearing some definite share in defence, but like the Dominions it would settle how much it ought to bear: it would adjust the cost to its means, and it would decide in what form it was to make its contribution—*perhaps an Indian recruited army*. In any event, the present plan, by which India pays for the Imperial army stationed there, without in any way determining policy, is as bad as it can be. If the existing system of military defence is to last, the whole cost of the British army stationed in India should be borne by the Imperial Exchequer."

I have referred to the statements of these high authorities, as it was also suggested at a recent conference held at the India Office that the Army in India at the present time is organised and maintained solely for the defence of India. This is not a fact. On the face of the admissions referred to above, it is clear that the British Garrison in India is maintained at least partly for carrying out British policy in the East.

Indianisation of the Indian Army.

9. I shall now refer to the scheme of Indianisation of the officers' ranks of the Indian Army. During the discussions of the Defence sub-Committee, it was strongly urged by several members that, subject to the requirements of efficiency and the availability of suitable candidates as officers, some definite indication should be given as to the rate of Indianisation or that some period should be fixed within which the Indianisation should be completed. The majority of the members considered it impossible, for practical reasons, to lay down any definite rate of Indianisation, and recommended that immediate steps should be taken to increase *substantially* the rate of Indianisation in the Indian Army to make it commensurate with the main object in view, *viz.*, the increase of the responsibility of the people of India for the defence of their country. It is a legitimate inference from the proceedings and resolutions of the Defence sub-Committee that the principles as to the pace and method of Indianisation would be discussed by the Committee appointed under resolution 2 (c) of the Defence sub-Committee, which was directed to take into consideration the reports of all the committees hitherto appointed in regard to this matter. Nevertheless, the Government of India, in contravention of the intentions of the members of the Defence sub-Committee, decided the question relating to the pace of Indianisation. The Commander-in-Chief in India, who presided over the deliberations of the Indian Military College Committee, gave a ruling that the question of what should be regarded as a substantial increase in the rate of Indianisation commensurate with the main object of resolution No. 1 of the Defence sub-Committee was not within the competence of the Committee. The work of the Military College Committee was, therefore, practically restricted to a consideration of the educational and financial details relating to the establishment of the college.

The question of the pace of Indianisation has not, therefore, been hitherto discussed either in the Defence sub-Committee or at this Conference or by the Indian Military College Committee set up in accordance with the resolutions of this Conference. This question should not be left wholly to the Government of India or the Secretary of State, and I venture to think that this Conference should express its views definitely on the subject of the pace and method of Indianisation.

New Orientation of Military Organisation.

Moreover, in view of the political status of India now foreshadowed in the Prime Minister's declaration, a new orientation of the policy of military organisation in India is absolutely necessary.

10. In this connection I should like to invite the attention of this Conference to the able and exhaustive dissenting minute of Sir P. S. Sivaswamy Aiyer, K.C.S.I., C.I.E., and of Major-General Raja Ganpat Rao Raghunath Rajwade, C.B.E., appended to the Report of the Indian Military College Committee, 1931, and to the various topics dealt with in that Report. They have given considerable attention for years to the whole subject of military organisation in India and their views are entitled to very careful consideration at this Conference. They observe that "till the inauguration of the Montague-Chelmsford reforms, the authorities gave no thought to the question of defence from a national point of view. The Esher Committee on the organisation of the army in India paid no attention to the national aspect of the question. The only committee which at all approached the problem from the national point of view was the Auxiliary and Territorial Forces Committee presided over by Sir John Shea. But it dealt only with the organisation of the non-regular forces and its recommendations have not been carried out except in the most half-hearted manner. The appointment of a committee to examine the military organisation of India from a national point of view is one of the most urgent measures to be undertaken by a responsible, or even a semi-responsible Government of India. Such a committee must be charged with the duty of devising measures for uplifting the martial capacity of all Provinces creating a national army imbued with a sense of patriotism and responsibility for the defence of the motherland, and preventing the domination of one area by another or of the civil population by the soldiery. Public opinion will refuse to accept the dilemma posed by the Simon Commission that for the purpose of defence India must remain for generations either under the heel of Britain or under the heel of the enlisted classes."

Main Features of the Scheme.

11. The three main features of the scheme of Indianisation which has been put forward by His Excellency the Commander-in-Chief, and accepted by the majority of the members of the Indian Military College Committee are:—

- (1) The annual output of cadets from the College should be about sixty in number, and that the Indian King's commissioned officers should be posted only to the units selected for Indianisation.
- (2) That the units should be organised on the pattern of the British Army and that the Viceroy's commissioned officers should be eliminated.
- (3) That the pace of Indianisation of the officers' ranks should be limited for the present to the output of the proposed College.

In regard to the first point, the present proposal is to continue the eight units scheme and to extend it to the whole fighting formation. This scheme was universally condemned by all the Commanding Officers of the Indianised units, by the Indian cadets, and by almost every witness that appeared before the Indian Sandhurst Committee presided over by Sir John Shea. Among the military men of the highest rank who condemned the scheme may be mentioned Lieut.-General Sir John Shea, Adjutant-General in India, who stated that, from his own point of view, as an officer responsible for provid-

ing efficient personnel to the army, he would far sooner see in the intermediate stage Indian cadets mixed throughout the Indian units with British officers, and he expressed the opinion "that we shall have a far more efficient army if a mixture of Indian and British boys in the same unit is permitted than by totally Indianising certain units." After a review of the whole evidence, the Sandhurst Committee came to the conclusion that "both for psychological and practical reasons, the continuance of the scheme can, in their opinion, only conduce to failure." They said: "With Indianisation proceeding in the army in any measure, the only means of ensuring successful Indianisation and, concomitantly, the maximum degree attainable of military efficiency, is to allow Indian Officers to serve shoulder to shoulder with British Officers, each learning from the other in every unit of the Indian Army. This was the original plan and, as we believe, the correct one. There is one other practical consideration to which we attach importance. The Indian King's commissioned officer is still a new element in the Indian Army to which that most conservative body of men, the Indian rank and file, have not yet become fully accustomed. By the method which we advocate, this new element can be absorbed with the least degree of questioning and the least derangement of the existing system of the Indian Army taken as a whole." Notwithstanding this weighty opinion of the Committee based upon most important evidence, the decision to continue the eight units scheme was a serious blow to all chances of successful Indianisation. It cannot be a matter of surprise if uncharitable people draw the inference that those responsible for this decision did not want to give the Indian cadets all fair chances of success. The present proposal is to extend the scheme to 16 units, that is, to one whole fighting formation. This step has been taken by the Government of India and the Secretary of State, notwithstanding the criticisms raised against the eight units scheme during the last six or seven years.

Elimination of Viceroy's Commissioned Officers.

12. In regard to the elimination of the Viceroy's commissioned officers and the reorganisation of the Indianised units on the pattern of the British Army, I would again invite the attention of the Conference to the observations made by Major-General Raja Ganpat Rao Raghunath Rajwade, C.B.E., and Sir P. S. Sivaswamy Aiyer, K.C.S.I., C.I.E. They say: "The present organisation of the Indian Army has existed for a long time and there has been no complaint that it was defective or inefficient. On the other hand, it has been repeatedly acknowledged that the Viceroy's commissioned officer is the backbone of the army, just as the permanent non-commissioned officers in the British Army, who come midway between the King's commissioned officer and the men in the ranks, are said to form a wonderful body. It lies upon those who wish to introduce a radical change in the *status quo* to make out a strong case in favour of the change. The mere fact that the British Army is organised on a different basis is not a sufficient reason for departure from the existing organisation. There is no reason to assume that the British pattern is a model of perfection and should be slavishly imitated elsewhere. Even supposing that the existence of an intermediate link between the King's commissioned officer and the rank is unnecessary it would furnish no argument for a change, unless it could be shown that the existing system has produced any evil results." The organisation of the army in every country is adapted to its own necessities and requirements, and there is no reason for the adoption of the pattern of any other country without regard to its own administrative necessities and other conditions. Moreover, the Indian Military College Committee have never considered the financial aspect of their proposals. The substitution of the Viceroy's commissioned officers by the King's commissioned officers will add enormously to the cost of the maintenance of the army in India. Under any circumstances this matter does not seem to be a problem for immediate consideration. I venture to draw the attention of the members of the Conference to the arguments on both sides which have been fully set out in the dissenting minute above referred to.

There is no doubt that it will indefinitely prolong the period taken to completely Indianise the officers' ranks of the division of the brigade selected for the purpose, not to speak of the Indianisation of the whole army. This is one of those questions in which a decision might be left to the future Government of India, after all the Indian units have been completely Indianised on the present basis. "The zeal for imitation of the British pattern is liable to be ascribed, and not without a show of reason, to the sinister object of retarding the process of Indianisation as much as possible and not to the love of ideal perfection." The argument that the interests and prospects of the Viceroy's commissioned officers form a valuable element in the army may be conceded at once. There can be no objection that in the case of the exceptional few men in the ranks who may possess sufficient ability and education, they may be given opportunity of securing appointment to King's commission to the Military College. The Sandhurst Committee presided over by Sir Andrew Skeen made ample provision for meeting the claim of the Viceroy's commissioned officers to King's commission. It is obvious that the abolition of the class of Viceroy's commissioned officers would remove all prospects of promotion from other ranks, and would have a very detrimental effect upon recruitment of the other ranks. The proposal, if accepted, will retard the Indianisation of the officers' ranks, and attention is invited to the views expressed in the Dissenting Minute above referred to.

Pace of Indianisation.

13. In regard to the third important feature, namely, the pace of Indianisation, it has been pointed out in the Defence sub-Committee that if British recruitment is stopped from to-day it would take thirty-five years from the date of stoppage for the disappearance of the last British officer from the Indian Army. The Indianisation of one division and one brigade now proposed is not a substantial increase in the rate of Indianisation, as contemplated by the Defence sub-Committee. In coming to a conclusion upon this question reference may be made to the proposals of the Government of India in 1922. The period suggested by the Skeen Committee was forty-two years, but the revised programme accepted by the Government of India reduced the period to thirty years, which again was subsequently reduced to twenty-eight years. The scheme now proposed is so indefinite that it is impossible to say what length of time would be required to Indianise the whole army, making all the necessary assumptions as regards the availability of the candidates. His Excellency no doubt stated at the Indian Military College Committee that his proposals were not of a static or rigid character, and that after a period of fourteen years, commencing from 1924, it would be possible to form a definite opinion as to the success of the experiment, and that it may not be necessary to wait for a further period of seven years before deciding to carry the experiment further. These statements are not assuring.

Competition and Nomination.

14. The last point that I should like to refer to is the proportion of vacancies to be filled by competition and nomination. The Indian Military College Committee have, by a majority, recommended that fifty per cent. of the vacancies should be set apart for recruitment from the Viceroy's commissioned officers. In every country a certain number of commissions are given to men from the ranks and the number of such commissions is limited, and the proportion of vacancies filled up by nomination to those filled by competition is very small. The importance of general education among the qualifications of officers is now more and more recognised. The arguments against the present scheme are fully set out in the dissenting minute above referred to, and I am in entire agreement with the dissenting members that to admit such a large proportion of the Viceroy's commissioned officers to King's commissions would be to court the failure of the whole scheme. The admission of officers who are below the general educational qualifications

required would seriously interfere with the success of Indianisation. I am therefore of opinion that the whole scheme put forward by His Excellency the Commander-in-Chief and embodied in the Report of the Indian Military College Committee requires reconsideration.

In conclusion, India demands a change in the present policy of concentrating the defensive forces of the country in the hands of the British, and to transfer the burden as rapidly as possible, consistently with efficiency, to Indian shoulders. In view of the Prime Minister's declaration last year, this policy will be altogether indefensible. Our inability to defend ourselves is often cast in our teeth as a serious impediment to the attainment of the status of a fully self-governing Dominion, though the past policy of Great Britain is the main cause of this impediment. The formulation of a new military policy *vis-à-vis* the people of the country and the transfer of the defence of the country to their shoulders is a necessary concomitant of the new status of India referred to in the declaration of the Prime Minister. The sincerity of Great Britain to constitute India into a self-governing Dominion will be tested by the adequacy or otherwise of steps taken for transferring to Indian shoulders as rapidly as possible the defence of India.

ANNEXURE 12.

MEMORANDUM ON THE QUESTION OF SAFEGUARDING BRITISH COMMERCIAL RIGHTS.

By Dr. Narendra Nath Law, M.A., Ph.D.

I.

Need for Re-examining Clause 14.

In this Memorandum I propose to have the question of the safeguarding of British trading rights reconsidered and the implications of Clause 14 of the Report of the Minorities sub-Committee, as amended by the whole Conference at their meeting on the 19th January, 1931, taken up for fresh examination. For reasons stated hereafter it is now imperative to reconsider the issues involved in the question. I need hardly emphasise that the deliberations of the last Session of the Conference on this problem of vital importance were not considered as conclusive in their bearing on the same.

Prime Minister's Declaration.

Furthermore, the suggestion for a reconsideration of the question is supported by the declaration, made by the Prime Minister on behalf of His Majesty's Government while adjourning the last Session of the Conference, that the conclusions arrived at were all subject to review in the light of their reactions on the public mind both of India and of Great Britain. And then the view that the deliberations of the last Conference on the particular subject were of a provisional character is also borne out by the fact that very little time could be spared at the last Session either in the sub-Committee or the Committee of the Whole Conference for the discussion of this particular subject. In fact in the sub-Committee it was scarcely discussed at all. The point was specifically "urged" by Sir Hubert Carr, and Lord Reading thought that the clause ought not to be put in as "agreed". That was on the 16th January, the same day on which the Committee of the Whole Conference sat to consider the Report of the Minorities sub-Committee. In the interval, however, the clause as passed by the sub-Committee was re-drafted at an informal conference consisting of Sir Hubert Carr, Mr. Chintamani and a few others and the new draft as an amendment of the original came up for discussion before the Committee of the Whole Conference.

Hasty Proceedings in the sub-Committee and the Committee of the Whole Conference.

The whole thing was done in a hurry and the members of the Conference had practically no time to study the implications of the amended draft. Mr. Mody, in his speech on the proposed amendment, introduced an important qualification which was supported by me. Mr. Jayakar, also in the same Committee, voiced the general feeling when he complained that he had not had the time nor the opportunity of considering in detail the wording of the clause. Lord Reading pointed out that the phraseology had been changed only "within the last few moments." Sir Hubert Carr also referred to the "amazing hurry" with which the alteration was to going to be made. Ultimately the Committee of the Whole Conference allowed some of the members to discuss the matter informally and come to an agreement. Without referring now to the substance of the speeches made when the Committee re-assembled, it is sufficient to stress the point that though there was a great hurry to arrive at an "agreement," no real agreement as a matter of fact could be reached. When the Committee of the Whole Conference met, however, on the 19th January which, he it remembered, was the last day of the plenary Conference, it was announced, that an agreement had been reached and the amended draft was noted.

The point that I want to make from the above references to the proceedings is that not only should Clause 14 as amended be considered as a provisional agreement subject to review and reconsideration, but that the agreement reached was more or less unreal on account of the haste with which the proceedings were concluded. While the spirit of public service which must have animated Lord Reading and his colleagues when they met on the intervening Saturday to explore all means to arrive at an agreed conclusion must be deeply appreciated, I regret here to record and to bring home to members of the Conference the fact that the necessity of arriving at an agreement was allowed to overshadow the great importance of the principle involved in the clause. The period of eight months which have elapsed since the Conference finally adjourned on the 19th January last has given every one of us sufficient time and opportunity to re-examine that clause with that patience and scrutiny which it so fully deserves and to consult responsible opinion on the subject.

Vagueness in the Wording of the Clause.

The discussions which have been provoked by the amended clause have revealed that the succinct form finally assumed by it has imparted a sort of vagueness to the clause impelling critics to misconstrue it according to their own predilections. For instance, the European commercial community in India has interpreted the clause in an extremely conservative manner because to all intents and purposes they seek to emphasise that the provisions of the clause should make it impossible for the future Government of India to exercise any right of discrimination against the prevailing commercial rights of the British traders and industrialists in India. The persistence with which such views have been stressed has greatly stirred the Nationalist opinion in India and the feeling of uncertainty which has developed as a consequence justly demands that the clause should be purged of all ambiguities by the necessary elaboration. Personally speaking, it has been my conviction that the clause does not bear any interpretation calculated not to allow the Government of India any powers of discrimination in utter disregard of the necessities involved. In addressing a meeting of the Bengal National Chamber of Commerce in May last, I dwelt at length on this clause to explain that the clause was sufficiently elastic to allow the necessary degree of control in the interest of national economy. It is on this presumption alone that the clause seemed to have won the general support of the members of the Conference. The extreme view taken by the European commercial community could hardly be countenanced by the clause, as in that case the logical consequence of the acceptance of the clause would be not only to put a clog

on the economic advancement of India but also to impose an irredeemable mortgage on the commercial interests of the country which in effect would render all improvement of political status envisaged by the Conference completely nugatory. It is a significant fact that may be noted in this connection that even the liberal interpretation put upon the clause by me failed to satisfy the members of the Chamber. In fact, there is a widespread discontent among the public in India against the clause.

The brevity of the clause is a striking feature of the agreement, and I recognise that without it the agreement might, perhaps, not have been reached at all. While agreement on the subject-matter of this clause is essential and indispensable, the interests of the nation and of the British commercial community alike cannot be allowed to be mystified by interested interpretations which alike claiming support from the clause have made the latter a fruitful source of controversy and acrimony.

Indian Opposition and Claim.

Regarding the manner in which the implications of the clause should be amplified to place them beyond all doubts, Indian opinion is emphatic in suggesting that in any case these should convey a definite assurance of being designed primarily in the interest of India. I recognise that the best safeguard for commercial prosperity is good will and I am glad to find that Sir Hubert Carr recognises this also. But there must be an active manifestation of good will in order that there might be a real settlement, and this is an important obligation imposed not only on the British commercial community but also on those who represent the interests of India. It is necessary for us to assure the British trading interests in India that there is absolutely no fear of the spoliation of their just and fairly earned interests in India. We recognise the part they have played in the development of the country's trade and commerce and in the growth of her resources. If, however, for advancing the economic interests of the country, the future Government of India be constrained to extend certain privileges to national concerns alone to the exclusion of others, or if in pursuance of the same principle, they are compelled to reserve certain spheres of economic activity to the children of the soil quite in consonance with the accepted principles of international conventions, that would certainly involve a course of action to which the non-nationals in India can hardly object. Beyond, however, giving such special impetus to indigenous enterprise in certain spheres of economic activity, there will be absolute equality of treatment as between the British and Indian trading interests whenever it is found that the present relative positions of the two interests are based on free and equal opportunities. But at the same time difficulties must be realised and faced and I am aware that most of the trouble is due to the existing inequalities between British and Indian trade and commerce which the Indian nation can ill afford to be perpetuated under the terms of equality of rights.

All these points lead to the conclusion that it is essential for the Conference to address itself to the re-examination of Clause 14 of the Report of the Minorities sub-Committee.

II.

Clause 14 of the Report of the Minorities sub-Committee inspired by want of confidence which is unfounded.

In the first part of my Memorandum I have argued that Clause 14 of the Report of the Minorities sub-Committee, even as amended, is open to review and reconsideration, without examining the clause itself, either in form or in substance. I propose to do it now, to show that the clause has neither the authority of a precedent as a constitutional device nor the weight of cogent reasons in its favour. The spirit that informs it is, not only on the showing of European spokesmen on the subject but also of the Government

of India Despatch on the proposals of the Statutory Commission, that of want of confidence in the possible attitude of Indian politicians and statesmen in the future, if India were to get complete and unrestricted freedom in determining her own economic and commercial destiny. The start is thus made at the wrong point, even if the case of a mutual understanding or convention, whether based on reciprocity or not, was considered to have been established. If the representatives of the British commercial interests display a real spirit of accommodation and good will towards Indian aspirations, there is no reason why there should be any discrimination except that which is dictated solely by the national interests of India.

The Right of Discrimination is not an Arbitrary Right.

It is not difficult to conceive what the national interests of our country could possibly be, and it is proper that I should start with an attempt to define what this expression might mean. It does not mean, in the first place, that India claims for herself any arbitrary right to deal with non-Indians as she pleases. Apart from the obvious infringement of the principles of natural justice which such a course would involve, it would be clearly against national interest to pursue an arbitrary, and high-handed policy of discrimination even though it were practicable. The traditional culture of India has not been achieved by a policy of exclusion rearing itself in a maze of conflicting antipathies. It has been based essentially on sympathy, forbearance and toleration. India understands now more than ever that in the period of national reconstruction on a gigantic scale that will face her in consequence of the devolution of complete political authority on her, she will stand in need of the co-operation, help and sympathy of the world. There is thus absolutely no reason to fear that India should ever attempt to confiscate the just and legitimate rights of any non-nationals doing business in India. The patriotic Indians, however, seek, in national interest, to reserve the right of calling into question any rights or privileges which appear *prima facie* to have a doubtful basis. Anyone who would argue that all the rights and privileges enjoyed by the British commercial community in India have been fairly and legitimately earned should understand that India has also a case which is contrary to this claim and the issue that the rights of the British commercial community doing business in India are to be guaranteed for all time to come is open to discussion for reasons stated hereafter.

Authoritative Recognition of the necessity of reserving certain Spheres of Economic Activity.

In the second place, it has been authoritatively recognised that every State has in national interest the right of reserving certain spheres of economic activity to the nationals of the State and also the power of regulating or restricting the conditions of admission to, or pursuit of, certain callings and professions, especially those which involve a devolution of the authority of the State or entail special responsibilities. In this connection, I may refer to a very important document prepared by the Economic Committee of the League of Nations and adopted by the International Conference on the Treatment of Foreigners held at Paris in the year 1929.

The British Attitude. The Draft Convention put up before the Paris Conference on the Treatment of Non-nationals, 1929.

The document is a Draft Convention "to embody in a common statute the civil, legal, fiscal, and economic safeguards which are indispensable for nationals of any contracting party who have been allowed to establish themselves in the territory of other parties in order to carry on their business or occupation therein, and to prevent any differential or unfair treatment which might in their own territory impede the trade of nationals of other countries." It is necessary to study this convention in some detail so as to

follow the nature of the attitude taken up by the British commercial delegation in the matter of the safeguarding of what they describe as their rights. There is no doubt that the analogy between the two cases is tenable in so far as the purpose of the Paris Convention was the same as that of the one suggested by the British commercial community. If there is any departure from the analogy, it consists in the fact that the British community in India is at present, commercially and politically, in a position of privilege and advantage while the High Contracting Parties who were asked to subscribe to the League Convention on the Treatment of Foreigners were all free and independent political entities with the usual exception of India. Another point of departure from the analogy consists, probably in the fact that the problem in India is not one between the nationals of different countries independent of each other but between the subjects of the same Crown. Barring these two possible points of departure from the analogy between the League convention and the proposed convention for India, the League convention, I submit, offers us a useful guide in the matter of finding a solution for the conflict of interests in India. The wealth of experience and knowledge and the weight of authority that were brought to bear upon the discussions of these questions of conflict in the Paris Conference invest their findings with an importance that cannot be exaggerated. The draft of the Convention was drawn up by M. Richard Riedl, Chairman of the Economic Committee of the Council of the League of Nations and representative of the International Chamber of Commerce which has among its adherents more than a thousand economic organisations, Chambers of Commerce, industrial and commercial federations and banking associations.

The Significance of the "Reservations" made by the Draft Convention.

A reference to the preamble of this convention quoted above shows that since the object of the Conference was to secure equality of treatment between the nationals of a country and the foreigners allowed to establish themselves in that country, nothing but the barest minimum of reservations was to be allowed for the protection of the national interests of each such State. As a matter of fact in the Committee of the Conference which discussed the economic and commercial provisions of the Draft Convention, the tendency was all but too apparent of giving the nationals of one country the utmost freedom and scope in the others which subscribed to the convention. The following clauses of the Convention as accepted in the Committee must therefore be understood from two aspects: as a matter of general practice followed by most of the countries in the world, and as laying down the minimum of reservations in the matter of trading and other economic rights in the interests of the nation.

Article 7 (as amended).

Main Principle.

"1. In the territories of each of the High Contracting Parties, and subject to the observance of their laws and regulations, nationals of the other High Contracting Parties allowed to establish themselves therein,.....shall be placed on terms of complete equality *de jure* and *de facto*, with nationals as regards:—

"(a) The conduct of all commercial, industrial and financial activities, and, in general, any activities of an economic character, without any distinction being drawn in this connection between undertakings operating independently and those which operate as branches, subsidiary undertakings situated in the territory of the above-mentioned High Contracting Parties;

"(b) The exercise of occupations which the laws of the said High Contracting Parties allow their nationals to carry on freely, or, in the case of professions for which special titles or guarantees are required, the exercise of these professions, subject to the submission of

the same titles or guarantees, as are required of nationals or are recognised as being equivalent, if necessary subject to reciprocity, by the High Contracting Party concerned.

Reservations.

"2. The provisions of the previous paragraph shall not apply to the exercise, in the territory of any of the High Contracting Parties, of the professions, occupations, industries and trades hereinafter specified:

"(a) Public functions, charges or offices (of a judicial, administrative, military or other nature) which involve a devolution of authority of the State or a mission entrusted by the State, or the holders of which are chosen either by the State or by the administrations under the authority of the State; even if these are endowed with juridical personality and irrespective of whether or not they possess a territorial character, either general or local;

"(b) Professions such as those of barrister, solicitor, notary, authorised broker, and professions or offices which, according to the national laws by which they are governed, entail special responsibilities in view of the public interests;

"(c) Industries or trades forming the subject of a State monopoly or monopolies exercised under State control;

"(d) State undertakings;

"(e) Hawking and peddling;

"(f) Fishing in territorial and inland waters, and the exploitation of the riches of such waters, the coasting trade, pilotage and the internal services of ports;

"(g) Service in vessels or aircraft flying the national flag;

"(h) The exploitation of minerals and hydraulic power;

"(i) The operation of public services and of industries forming the subject of concessions;

"(j) The manufacture of arms and munitions of war;

"(k) Direct and indirect insurance operations carried out by individual underwriters."

The Economic Committee in their enumeration of the professions, occupations, industries and trades, the exercise of which may be reserved to nationals or made subject to differential provisions in the Draft Convention, took care to mention that it was "intended to be illustrative, not exhaustive." They noted further that "a large number of States, even among those which habitually accord liberal treatment to established foreigners, prefer to retain the right to make a distinction between their own nationals and these foreigners by granting only the most favoured nation clause; while at the same time a large number of existing treaties in practice grant national treatment to foreigners admitted to the territory of the contracting parties, subject to certain duly specified exceptions." At the same time it would be fair to recognize that Article 19 of the convention as amended laid the High Contracting Parties under the obligation "not to avail themselves of rights reserved to them under the provisions of the present convention in a manner unfriendly towards the nationals of one or more of the High Contracting Parties."

Article 20 (as amended).

Encouragement of National Industries, the Paramount Consideration.

"Without prejudice to the stipulations of laws relating to the encouragement of national industries, or to the award of contracts concluded by public authorities by way of tender, the High Contracting Parties undertake not to prejudice the guarantees of equality between national and foreign under-

takings as laid down in the preceding articles by means of exemption of taxes or duties or by differential regulations affecting production, trade or the level of prices."

I have taken the liberty of quoting the above extracts somewhat in detail to show what a competent body with the distinct idea of promoting equality of trading and commercial rights as between the nationals of different countries considered to be absolutely essential for the protection of national interests of the country. How much stronger is the case of India where the national interests of the country have been for a century and a half subordinated to Imperial interests, so much so, that without the impetus of a great national urge and a drastic equation of opportunities and resources, she might not find sufficient elbow room for any national progress at all. The present situation is that not even in one of the professions, trades or occupations recommended for being reserved for the nationals of a country in Article 7, paragraph 2, of the Paris Convention has India any manner of authority in regulating such professions, trades and occupations. All of these are under the effective control of non-Indian interests.

Is Discrimination against British Subjects possible?

The question may now be raised that a convention which has been deemed to be applicable to the nationals of two independent countries cannot apply to the determination of the economic relations between England and India. It is needless to say that I read the claims advanced by the British commercial community in India as a part of this larger question of the future relations between Great Britain and India. It may be argued that India cannot consistently discriminate between the rights of Indians and Britons, who are both British subjects so long as India remains part of the Empire. In reply to this contention I will enquire first if it is an implication of remaining under the same Crown that India should be unable to preserve the national interests of the country, for that is what discrimination, if we must use this word, is meant for. If the answer is in the affirmative, I would only regret it, and say that it will not satisfy our country. On the other hand, I have as my text a section of an Act of Parliament which lays down:—

Section 26 (1) of the Imperial Nationality Act.

"Nothing in this Act shall take away or abridge any power vested in, or exercisable by, the Legislature or Government of any British possession, or affect the operation of any law at present in force which has been passed in exercise of such a power, or prevent any such Legislature or Government from treating differently different classes of British subjects." Section 26 (1) of British Nationality and Status of Aliens Act, 1914 (as amended). The wording of this section is sufficiently explicit, but to make it more clear I may refer to two important pronouncements relevant to this issue. At the Imperial Conference of 1923, General Smuts, then Prime Minister of South Africa, the home of discriminatory legislation against Indians, stated in a Memorandum submitted to that Conference:—

General Smuts in 1923.

"There is no equality of British citizenship throughout the Empire. On the contrary, there is every imaginable difference. There is no common equal British citizenship in the Empire, and it is quite wrong for a British subject to claim equality of rights in any part of the Empire to which he has migrated or where he happens to be living . . .

"The common Kingship is the binding link between the parts of the Empire; it is not a source from which private citizens will derive their rights. They will derive their rights simply and solely from the authority of the State in which they live."

Earl Crewe in 1911.

It was in pursuance of what General Smuts conceived to be the "newer conception of the British Empire" that justified the principle of South African discriminatory laws against Indians settled or wanting to settle in the Union. A similar view was expressed earlier—at the Imperial Conference of 1911—on behalf of His Majesty's Government by the Earl of Crewe, who was then the Secretary of State for India, who said:

"Nobody can attempt to dispute the rights of the self-governing Dominions to decide for themselves whom in each case they will admit as citizens of their respective Dominions."

Now, are the instances of such differentiation between the different classes of British subjects in the Dominions at all rare or infrequent? As a matter of fact, the question of British subjecthood, as one writer remarks (Pittius, *Nationality within the British Commonwealth of Nations*, p. 163), has hardly been taken into consideration at all in the process of discrimination. Restrictions have been imposed in the matter of immigration, including imprisonment or deportation of undesirables, and even in the matter of social and political rights. Even in England, where there is no legal distinction between British subjects hailing from various parts of the Empire, there are some regulations, as for example, those against coloured persons joining certain regiments. In the Irish Free State, British insurance companies are allowed to operate only after depositing a heavy security as a local reserve operating as a discrimination in favour of Irish companies.

The British claim for Equal Citizenship is thus tenable neither in Law nor in Constitutional Practice.

All these facts go unmistakably to prove that the claim that the British subject has an inherent right to equality of treatment in all parts of the Empire along with the nationals of those parts is tenable neither in law nor in constitutional practice. The recent constitutional tendency on the other hand points to the creation of a new kind of national status by several Dominions adopting a form of Dominion nationality, independent of its adoption of the Imperial Nationality Act, of 1914. These laws, however, are of restricted application and useful only as an index of the recent lines of the evolution of Dominion Status. The lesson for India is obvious. A self-governing India, equal in status with the Dominions, should have every constitutional right, not only to pass restrictive legislation upon any class of British subjects she desires in pursuance of national interest, but also might evolve an Indian citizenship which, in the fulness of the conception, as hinted above, will enable her to lay down conditions for the exercise of full civil and political rights.

III.

Political Development depends fundamentally on Economic Development.

It should be clear from what has been discussed in the previous paragraphs that, if India is compelled to discriminate against any class of British subjects in the national interest, it would be consistent with the existing constitutional practice. As to the question, if India is going to exercise the right and to what extent, I have already endeavoured to offer some suggestions. The freedom of determining one's own economic future is the inalienable part of the devolution of political authority, and India is so backward in industrial and commercial enterprise, that I have no hesitation in stating my belief that the initial period after the grant of political freedom, will inevitably be taken up with the reconstruction and rehabilitation of her economic system that is now labouring under serious handicaps. My appreciation of the Indian view enables me to emphasise that India does not want to ignore the just and reasonable rights of any commercial community doing

business in India and hit them summarily and without justice. The backwardness of Indian commerce and industry compels us to examine all such rights or privileges and to see whether they are blocking the promotion and development of Indian commercial enterprise, by creating and perpetuating monopolies or by otherwise restricting fair competition, or by the possession of discriminatory privileges of whatever nature operating against the interests of the children of the soil. The mere re-examination of such rights or privileges does not mean their forfeiture or even repudiation, if the problem is approached in a spirit of goodwill, mutual understanding, and accommodation. I do not see any reason why such examination should mean any harm to anybody unless the interests themselves be thriving upon discriminatory advantages. If the rights and privileges at present enjoyed by the British commercial community are fair and proper, and if the people of India have a genuine grievance that these, or at any rate some of them, are not so, I do not find any reason why the former should at all resist the Indian proposal to refer all such disputed cases to arbitration by an impartial and representative Board, meeting in an atmosphere of reason and helpfulness.

The Recognition of the Right of Discrimination as a matter of Principle does not preclude Mutual Adjustments.

Before I proceed further, one thing should be made clear. Certain industries, trades, callings, and professions must be reserved to the nationals of the country, whatever may be the rights of any commercial community incidental thereto. In these spheres, the interest of the nation is absolute, and this right should be recognised as a matter of principle. The Paris Conference regarding the treatment of non-nationals has made a list that is meant to be illustrative. It need hardly be emphasised that the list should be interpreted to mean that there are certain spheres of activity in which the interest of the nation must have precedence over all other interests. Subject to the recognition of the above principle, I am sure that an equitable readjustment may be arrived at on many of the existing points of conflict. It is relevant to point out in this connection that the principle of protective duties to encourage indigenous industries has never been challenged in India or in any other country. The policy of the Government of India not to grant concessions such as bounties to industrial concerns unless the company, firm or persons provide facilities for training Indian apprentices, and in the case of a company, unless it has been formed and registered in India, and has a rupee share capital and a reasonable proportion of Indian directors* was, so far as I know, never criticised on the ground that it involved an undue interference with, or forfeiture of, the existing rights of foreigners doing business in the country. Again, the necessity of discrimination has been recognised in the stores purchase policy of the Government. The reason why no outcry was raised against these, which are undeniably discriminatory in a sense, was possibly due to the fact that these were considered to be necessary in the interest of India.

Discrimination in favour of National Interest, but not against the British Community as such.

After all, India looks at the problem of commercial safeguard from two broad standpoints. One is that the British commercial community is a part of the larger body of non-national interests that are doing business in India at the present moment, and that India proposes to exercise her right of discrimination not against the British commercial community as such, but as a part of the whole of the non-national interests existing in India. Nobody can question the right of India to discriminate against one who is not a national, and for all practical purposes, the British industrialist, as he is

* This extract is quoted from the Secretary of State for India's letter to the Secretary General of the League of Nations, No. E. & O. 7954/28. An instance of this may be found in the Steel Industry Protection Act of 1924.

to-day, has not identified himself with the interests of the nation. The British commercial community is now entrenched in a position of advantage, and this position is the result of certain circumstances over which India on account of her backward condition has had neither any influence nor any control. If this position is allowed to be made a permanent feature of our economic system, it would mean that the Indian would for ever remain in a position of absolute inferiority. India requires safeguarding against that eventuality, for she is weaker as compared with the wealth and resources of Great Britain.

That the present commercial superiority of Britain in India has been due to a practical neglect of Indian interests in many directions and the exclusion of the people of India from many advantages and concessions will appear from the data given below. In claiming equality of trading rights, the British commercial community is really demanding the perpetuation of these inequalities and discriminatory privileges while India expects the removal of these inequalities as the first step towards the rehabilitation of her own industrial life.

How British Commercial Superiority has grown up.

In tracing the history of the superiority of British enterprise in India, I need hardly mention the importance of the social approaches to the realisation of patronage and power enjoyed by the European community in this country. In India, for over a century and a half, the sources of that patronage and power have been under the command and disposal of the representatives of the British community in India.

A.—Social Approaches.

If, as a result of that, the lucrative contracts and tenders go to European firms, if leases and concessions are granted to European companies, if municipal monopolistic franchise has been issued to European corporations, we have nothing but the political atmosphere under which we live to blame. This political atmosphere has made it impossible for the influence of Indian public opinion to bear upon the control of the main lines of public policy. It is for this reason that, for years past, Indians have been insistently clamouring for self-government, and this agitation has now taken a determined form in India.

B.—The Cotton Industry.

I may here refer to some concrete measures adopted by the Government of India for the promotion of British commerce and industry, among which none has been so inequitable as the cotton excise duty repealed only in 1926. The majority Report of the Indian Fiscal Commission had laid down "that the existing cotton excise duty should, in view of its past history and associations, be unreservedly condemned." The Minute of Dissent considered it necessary to point out "that the cotton excise duty was not imposed for revenue purposes, that it was levied purely to propitiate Lancashire." "The Indian cotton excise duty has always been politically, economically, and, above all, morally indefensible," wrote the London *Times* in commenting upon the agitation of 1917-18. The discrimination involved in the excise levy is clearly borne out by the Report of the British Mission to the Far East which shows that an industry thriving upon inequality of trading rights cannot prosper where competition is free and open.

C.—The Shipping Industry.

I may refer again to the shipping industry. It may be remembered that it was Mr. Haji's Coastal Traffic Bill that started the hare of "Safeguards" for the British commercial community, and it was instanced as an illustration of discriminating legislation in the communication addressed by the Associated Chambers of Commerce to the Statutory Commission in July, 1929. I

need hardly point out that the Associated Chambers of Commerce chose a very unfortunate example to launch their campaign because the reservation of coastal traffic is regarded as a national duty in almost all the countries of the world, and there could be no dispute on the principle of the Bill. I have already referred to the draft convention prepared by the Economic Committee of the Paris Conference regarding the treatment of non-nationals (1929) laying down that the coasting trade, pilotage and the internal services of ports are subjects in which discrimination might, in national interest, be made between the nationals of one country and those of another. The question was really whether Mr. Haji's Bill amounted to any unjust or unfair discrimination, because we cannot accept the position implied in the agitation of the British mercantile community against the Bill that India shall in the future be debarred from exercising her inherent right of differentiating between national and non-national interests in cases where the interest of the nation as a whole demands it. Incidentally it may be pointed out in this connection that the success of British shipping industry has not been attained by the pursuance of a *laissez faire* policy. The history of the ruin of Indian shipping is well-known to all publicists and readers of the economic history of India. To that I need not refer in detail now and rouse vain regrets. But the following points which have been taken from a recent article in the *Young India* will be of interest:—

(1) The employment of Indian-built and Indian-manned ships in the trade between England and India was prohibited on account of the agitation of British ship-builders, shipwrights and seamen.

(2) British shipping industry was assisted in its initial stage through Government subsidy. Mail subventions are also given by the Government to British shipping companies, not only foreigngoing but also coastal and inland, though there are efficient Indian companies working. These non-Indian companies do not employ Indians in their higher staff, either afloat or ashore, as dock officers, engineers, or wireless operators. After the establishment of the *Dufferin* a conference of shipowners trading with India was held in London at the instance of the Shipping Federation in 1927 where it was emphasised that "it was unfair to British Dock Officers to have a training ship in India which should look to Indian shipping companies only and not to British shipping companies for employment."

(3) British shipping companies operating in Indian waters were till recently (1923) exempt from the payment of the Indian income tax.

(4) In the matter of shipping insurance also, ships with Lloyd's A. 1 certificate which are regarded irrespective of Indian ownership as first class risks by experts in London have been graded second class by the insurance agents in India solely on the ground of their Indian ownership.

The above points are illustrative, not exhaustive. Many more instances in addition to the above could be cited to show that there are agreements in force which practically preclude Indian shipping companies from getting the custom of European shippers and all sorts of devices such as under-cutting of freights,* refusal of the insurance companies to insure, except at a higher rate, goods carried by Indian vessels and so on, are adopted to kill Indian competition. The Government have done nothing and yet Sir William Clarke had declared from his place in the Government of India in 1916 that "the building up of industries where the capital, control and management should be in the hands of Indians is the special object we all have in view."

D.—The Coal Industry.

I may next pass on to the example of the British owned and British managed collieries in India which have thrived not by free and fair competition

* See *Economics of Shipping* by S. N. Haji, pp. 153-54.

but under special advantages, e.g., the patronage of the European owned collieries by the Railways which are the largest purchaser of coal in India. (Vide evidence of the Indian Mining Federation before the Indian Railways Committee and their recent statement to the Working Committee of the Indian National Congress.)

It is needless to pile up instances of the discriminating advantages under which some of the biggest examples of commercial enterprise have flourished in India and discrimination which they themselves have practised towards Indians while doing business in this country.

The Devolution of Political Authority will remove some of the existing Inequalities. The consequent Alarm of the Europeans.

We hope that with the attainment of self-government, many advantages that the European commercial community enjoy on account of the government being in the hands of their kinsmen would disappear, and that we would be able to recover the ground lost in the matter of economic and industrial development. The European commercial community seems to have been alarmed at this quite natural and reasonable expectation of the Indians, and their apprehensions to be dislodged from their entrenched position have prompted them to raise the plea of too comprehensive "safeguards" as the condition for their agreeing to the grant of self-government which means, that all their rights and privileges of whatever manner or description must be made into a permanent feature of Indo-British commercial relations. In other words, the factors which account for the industrial and commercial inferiority of India would operate in perpetuity. We cannot agree to such a position. On the other hand it is fair to point out that even though the devolution of political power will lead to the removal of some of the existing inequalities, certain others will remain and these ought to be liable to re-examination in India's interest. If it is found that any of these inequalities is definitely retarding the development of Indian industrial enterprise or operating against India's interest, India should then be free to decide upon the necessary safeguards.

The opinion expressed by Sir Hubert Carr that "our commercial rights are not open to negotiation" was a frank advocacy of the views of the European community in the most extreme form. As a matter of fact, there is ample evidence to show that Indians are anxious to meet the claims of the European community with reason and good will. Being a commercial man myself, I recognise the importance of vested rights in commerce and industry. Even if it were possible to withdraw all such rights it would in many cases be undesirable to do so. But in that case the Britishers should evince their goodwill and equal fellowship with India. Unfortunately their attitude, at present, in commerce and industry, is one of aloofness and exclusion and this has removed all points of sympathetic contact between the European and Indian mercantile communities. The point needs to be clearly emphasised that it is not England but India which requires safeguarding—safeguarding against the unequal competition that she has now to face from powerful non-national rivals. Otherwise, India will never be able to get out of the rut into which she has fallen. By safeguarding I do not mean safeguarding any and every industry. I want to safeguard the key industries of India like iron and steel, coal and other industries that might be decided by the Legislature as key industries; the industries of transport—land, water and air—those which involve a devolution of the authority of the State, e.g., high appointments in public service including the military, those which control special responsibilities like credit or insurance institutions; the mineral resources of the country; fishing and forestry rights; public utility services and industries, specially infant industries, forming the subject of concessions and special privileges; State monopolies or monopolies exercised under State control. This list is suggestive and may be altered, amended or added to by the Conference. But what I want to emphasise is that the principle of keeping the interests of India always in the foreground of our public policy should be recognised, and once this principle is recognised I have no objection

to a Conference being called at a later date to work out the implications of this policy in detail. I cannot emphasise too much that a true perspective of the problem can be gained only by a realisation of the advantages of common fellowship of the two great nations, British and Indian. The Round Table Conference has provided India with a momentous occasion and opportunity of meeting the representatives of the British nation in whose innate sense of justice she has full confidence. India requires their aid and co-operation. I hope that this Conference will enable us to arrive at a decision that will speed India along the path of contentment, well-being and prosperity.

ANNEXURE 13.

MEMORANDUM FOR THE ESTABLISHMENT OF AN INTER-PROVINCIAL COMMISSION FOR INTER-PROVINCIAL ECONOMIC SAFEGUARDS.

By Dr. Narendra Nath Law, M.A., Ph.D.

Of the various problems that have been raised by the scheme of a Federal Constitution for India, the question of inter-provincial safeguards is very important. So far as Bengal is concerned, I may say that public feeling is undoubtedly in favour of providing for some sort of inter-provincial safeguards. Rightly or wrongly, the view is held in Bengal that unless her interests are safeguarded, they will not be adequately looked after by the Federal Legislature as it will be constituted by the representatives of Provinces at widely different stages of industrial and commercial development. Some of the recent measures adopted by the present Indian Legislature, notably the Salt Import Duty Act, have been definitely labelled as anti-Bengal and the belief is now shared by a substantial section of the people of Bengal that unless there are adequate safeguards, the interests of Bengal are not likely to receive proper and adequate care. This belief has its basis in certain tendencies in fact. These indicate, in the first place, a definitely provincial bias exhibited by certain Provinces in many matters; secondly, there is the gradual dispossession of the Bengalees from the fields of trade and commerce in their own Province by non-Bengalee interests. For this state of affairs, the responsibility primarily attaches to the Bengalees themselves who for generations have preferred intellectual pursuits to trade and industry. But this is the very reason why the Bengalees ought to be made to follow trade and commerce, and to that end, they should be assisted by means of a vigorous public policy.

The problem has been intensified by the question of middle-class unemployment. It is a question which is peculiar to Bengal and on which Bengal feels very keenly. The belief is now shared by a large section of the people of Bengal that one of the principal causes of this gradual deterioration of the economic position of the middle class is due to the passing of practically all the industrial and commercial interests of the Province out of their hands. Moreover, the 1921 survey of industries in the Census Report gives us the figures that in the three industries, jute, coal, metal and machinery, only 100,000 labourers were returned as men and women born in the Province (Bengal) against 250,000 men or women born in other Provinces. In other words, in these industries, for ten Bengalee employees there are twenty-five non-Bengalee employees. The position has certainly grown worse in the intervening decade. As for minor industries, in them also the Bengalee is being slowly but surely displaced.

The cause for this backwardness of the Bengalee in his own Province is due, no doubt in a large measure, to deficiencies for which the Bengalee himself is responsible. It is proper that these defects should be recognised for the reason that it would spur our young men to develop a more practical outlook on business and industry and shake off their inordinate devotion to the gentle professions which are already overcrowded. But at the same time

it should be recognised that even if the Bengalees were to shake off their prejudices against industrial or commercial pursuits, there would still be great obstacles created by the powerful influx of capital and interests exploiting the resources of the Province. Besides, it is always a question how far the inertia of the Bengalee mind for commerce and industry has not itself been generated by the continued divorce of the people of this Province from these interests on account of the circumstances over which they have had no control.

What is needed in these circumstances is a forward policy for Bengal. Provincial patriotism is not a bad thing if its aim is to promote the well-being of the people of the Province without any detriment to the national interests. A well-contented healthy provincial life is the *sine qua non* of a prosperous federation. To that extent it is necessary to strike at the root of all discontent. A forward policy for Bengal is calculated to achieve that end, but for that purpose resources are necessary.

The Meston settlement and the action taken thereon have left Bengal in a sorry plight from the financial point of view. The following table summarises the position of Bengal as compared with other Provinces.

Expenditure per capita per annum according to Budget estimates for 1929-30:—

	Rs.
Bombay	8-291
Punjab	5-549
Madras	4-188
Assam	3-920
C. P.	3-792
U. P.	2-729
Bengal	2-554
Bihar and Orissa	1-800

The expenditure per capita on nation-building services is still more instructive. Taking the Budget accounts of 1928-29, we find that in that year Bengal spent Re. 0-58 per capita as against Rs. 1-59 in Bombay, Re. 1 in Madras, Rs. 1-40 in the Punjab, Re. 0-77 in C. P., Re. 0-76 in Assam, Re. 0-65 in the U. P., and Re. 0-42 in Bihar and Orissa. These figures show that Bengal has not resources enough to develop her nation-building services and in this respect she is behind all the major Provinces of India with the exception of Bihar and Orissa. It is thus necessary that this deficiency of Bengal should be removed at the next financial settlement and adequate funds placed at her disposal to undertake all those schemes of development that are likely to benefit the people of the Province. As it is, Bengal's total contributions to Imperial revenues are incommensurate with the resources which she has got under the existing scheme. That this grievance is justified is proved by the fact that Bengal's contribution of Rs. 63 lakhs under the Provincial Contributions Scheme was remitted from the very first of the operation of the Reforms.

Apart from the benefits likely to accrue from better financial readjustments, Bengal requires certain industrial and commercial safeguards—safeguards against the undue neglect of her interests by other Provinces. I recognise that it is not a practical proposition to attempt to lay down elaborate constitutional measures for safeguarding the economic interests of any particular Province. Nor do I want it. What I aim at is some general provision for the safeguarding of the interests of a Province as against undue interference or exploitation by any other Province. I therefore propose the setting up of a standing Inter-Provincial Commission under the constitution to investigate all causes of conflict and recommend measures for relief to the Federal Government. The necessity of setting up the Commission under a constitutional guarantee arises from the fact that in that case it will not be with the Federal Government to evade or ignore the

issues under pressure from any of the provincial interests when in conflict with those of any other, especially if the former are strong and powerful as compared with the latter. It is not unlikely, and is in fact conceivable, that the Federal Legislature may happen to be dominated by the representation of two or more Provinces and may refuse to entertain the grievances of any particular Province in respect of any legislation or any administrative measure. It may even refuse to set up a Board of Enquiry if it was optional for it to do so in the interests of those Provinces. If, on the other hand, an Inter-Provincial Commission be established under the constitution on the lines of the Tariff Board or the Railway Rates Tribunal with extensive powers of investigation but with advisory functions, it would have the advantage of directing public opinion to the existence of genuine grievances with the consequent necessity of removing them together with the advantage that its decisions will evoke no suspicion or resentment on the part of any Province; and at the same time, since it will only have advisory powers, the authority of the Federal Legislature, or of the Provincial Legislature as the case may be, acting in their specific jurisdictions, will not be impaired. This last point is to be carefully borne in mind since many of the decisions of the Commission would involve the taking of steps which it would be competent for the appropriate Legislature alone to take. Otherwise, Central Responsibility or Provincial Autonomy would be reduced to nullity. An Inter-Provincial Commission may be a small body of three or four persons of acknowledged probity as members with a Chairman enjoying the status of a High Court Judge assisted if necessary by one or more assessors. The Commission will report their recommendations to the Federal Prime Minister or the Provincial Chief Minister, as the case may be, who will place them before the Federal Legislature or the Provincial Legislature for necessary action.

In order to provide against the presentation of any frivolous grievance to the Commission by a snap vote, it may be further laid down that the resolution for the reference of any matter for the decision of the Commission must be supported either by an absolute majority of votes in the Legislature or even by a higher majority, so that it will only be matters on which a Province might feel keenly that a decision of the Commission would be sought. Such a provision would thus meet effectively the charge of provincial narrowness and that may be advanced against the theory of inter-provincial safeguards.

This is only one of the suggestions put forward and I am aware that other alternative suggestions may be made. Federation implies a Supreme Court, and a Committee of the Supreme Court may with the help of assessors decide the cases instead of a separate Commission. I realise, however, and I repeat that the best safeguard for the interests of any Province is the growth of a strong and healthy public opinion reflecting upon public policy from a broad and catholic standpoint. My object is to bring to the notice of the Delegates of the Round Table Conference the worsening plight of the people of Bengal in the economic struggle and provide some means for relief in so far as that plight is due to the operation of economic forces detrimental to the interests of the Province. I hope I will get their full support for the proposal which I have formulated, particularly as it does not injure the interests of any Province in the future constitution of India.

ANNEXURE 14.

MEMORANDUM REGARDING THE POSITION OF ASSAM.

By Srijut Chandradhar Barooah.

Communal Problem and the Minorities Agreement Document.

There is no communal problem in Assam. Practically, we have only two communities, the Hindus and the Muhammadans. We have no Depressed Classes; and the small number of the people who belong to the lower castes

of the Hindu community have very much better place in Assam than in any other Province in India. They are not untouchables; they are not pressed down by the higher castes and they have their representation in the Legislative Council, the Local Bodies and in the Public Services. I am therefore very much pained to find that the minorities in this Conference, perhaps unwittingly, are going to create a dissension among us by allotting 13 seats for the so-called Depressed Classes, in our future Legislative Council and proposing a separate electorate for them.

Nowhere in India the Hindus and the Muhammadans have ever lived in better peace and amity. Both these communities in Assam are practical enough to realise the principle of "give and take." Of the two Ministers and two Executive Councillors in Assam, three are Indians; and out of these three, two have always been Muhammadans, although the Muhammadan population of the province would not justify this. But yet nobody has ever heard the slightest protest against this from the major community. Neither the Hindus nor the Muhammadans in Assam object to give each other a little more than what is justly due. But when one pretends to hold the scale of justice in one's hand and dictate terms the matter is quite different. Looking from this point of view, I fail to understand why in the Minorities Agreement Document there should be allotted as much as 35 seats to the Muhammadans out of 100 in the future legislative body of Assam when their population strength does not come up to even 32 per cent. of the aggregate. This is the second point on which I cannot agree with the minorities agreement.

The third point of objection is to the number of seats allotted to the Europeans in the Assam Legislative Council. The entire Christian population in Assam is 202,586 which forms only a little over 2 per cent. of the population of the Province. The Europeans must have been included in this figure; for I could not find them separately shown in the Census papers in the India House. And yet the framers of the Minorities Agreement Document thought it fit to allot 10 seats to the Europeans in Assam besides 3 to the Christians, and 1 to the Anglo-Indians.

The document prescribes separate electorates for the present. But I am afraid that the large majority of my people will not approve of this. Excepting only one section of the Muhammadans who would like to have separate electorates for the first few years, the people of Assam in general are in favour of joint electorates. The "Assam Muslim Association," which enlists as its members a very considerable portion of the educated and influential Muhammadans in Assam and which is the only organised Muhammadan political body in the Province, by a unanimous resolution, has asked me to place the claims of the Muhammadans not for separate electorates but for reservation of seats. The Association also claims weightage, if the Muhammadan population of the Province is reduced by the reason of the transfer of the district of Sylhet from Assam to Bengal for which there is an agitation in the country; and the Hindu community will gladly consent to the required weightage in the event of such a transfer.

Under these circumstances, I cannot accept the Minorities Agreement Document. The motto of Assam is joint electorates with reservation of seats on population basis.

Territorial Redistribution.

Since the last Session of this Conference, there has been an agitation in Assam for the transfer of the districts of Sylhet, Cachar and Goalpara from Assam to Bengal. None can dispute the right of Sylhet to be transferred to Bengal. The people of Sylhet are Bengalees. Their district was joined to Assam only for convenience of administration of the Province of Assam at a time when Assam alone was too small for separate administration. Since then circumstances have changed. The agitation for the transfer of this district has been going on for a long time. The Bengal Legislative Council is in favour of the transfer; and so was the Legislative Council of Assam some time ago. In public meetings all over Assam and Bengal resolu-

tions are being passed unanimously in favour of the transfer. Sylhet is also a deficit district; its revenues cannot expand, and the rest of Assam has to find no less than about eight lakhs of rupees, more or less, every year for the administration of Sylhet. For these reasons, the people of Assam proper do not object to the transfer of Sylhet to Bengal, provided only that the political status of the Province is not lowered by reason of any such transfer— and for this, there is not the slightest justification whatever; for Assam, without Sylhet, with her increasing population, with her hill areas and her vast resources, will form not only a self-supporting but a more prosperous and homogeneous Province, almost as large as Bengal in area, but of far greater potentialities. I may mention here that as far back as the year 1925, the Government of Assam in their letter No. 1573-Pol-D/11th August, stated that in the event of the transfer of Sylhet to Bengal, “the maintenance of the existing system of administration will be a lighter burden on the reduced Province of Assam,” and that “it would be perfectly feasible to maintain Assam as a major Province.” I hope I shall not be misunderstood. I never ask Sylhet to go away. All that I mean is that if Sylhet wants to go, the demand is only just and proper, the transfer will be of advantage to the Sylheties and the Assamese alike, and that the rest of Assam does not feel justified to stand in the way.

The case of Cachar and Goalpara is very different from that of Sylhet. Unlike Sylhet, in both these districts the agitation is being carried not by the real and permanent inhabitants, but by some people from Bengal who want to take them away to their own Province. These people are residing in these areas only for business or professional purposes, without being really domiciled, and can have, therefore, no voice in the matter. In Cachar, the original and permanent inhabitants, the only people whose voice ought to count, are unfortunately too inarticulate to make themselves heard. Nevertheless, they do not and they cannot want to go to Bengal; for they have their kith and kin not in Bengal but in Assam, and their association and their history are connected not with Bengal but with Assam. The transfer of Cachar, unlike that of Sylhet, will also create great administrative difficulties in Assam.

The transfer of Goalpara cannot be effected without causing very serious discontent, both in that area and the rest of Assam, and doing the greatest injustice to the people of both. It is an integral and most indispensable part of Assam proper. In language, in religion, in history, in manners and customs and above all, in flesh and blood, it is pre-eminently Assamese and has nothing common whatever with Bengal. “The District Association of Goalpara,” the only political body, composed of the indigenous population of the district, have asked me to oppose strenuously any proposal for the transfer of their district and to press their right and determination before this Conference to be always retained in Assam, where alone they can find proper scope for their development.

There are a few Zemindars in Goalpara whose lands are permanently settled, unlike any other lands in Assam, except those of Sylhet. They think that they have no proper representation in the Legislative Council of Assam. While in Bengal, where the Zemindars form a very influential body, their interests will be much better served; although I may remark that the Zemindars of Sylhet, who have so long put up with the same disadvantage, have never been heard to complain on this score. This demand seems rather to be for special representation than for the splitting up of the Province. In fact, excepting these few Zemindars, whose number is only five or six, there is not one single Assamese in Goalpara who does not oppose the transfer of the district to Bengal. And any attempt at such a transfer is bound to give rise to a very strong agitation and great discontent in my Province.

Hill Tracts.

The hill areas of Assam inhabited by various tribes of aboriginals are in different stages of advancement. Some are sufficiently educated and advanced to be included in the new constitution of the Province, while

in the case of others it is too premature to think of it. The people of the plains urge that no part of the hill areas should be separated from the Province for which there are historical, economical, linguistic, racial and other weighty reasons. The Government of Assam, therefore, propose to include the advanced portions of these areas in the new constitution and leave the backward portions, *viz.*:—the Naga and the Lushai Hills, to be administered by the Governor under the control of the Governor-General. In their letter of July, 1931, to the Government of India, the Assam Government rightly observed—"the solution must of course provide not only for the protection of the plains from molestation, but, on the one hand for a guarantee to the people of Assam of their legitimate claim on the natural resources and freedom of trade, and on the other, for due regard to the interests of the aboriginal inhabitants. . . . The Province of Assam should still be able to have its share in such mineral wealth as may be discovered in the hills." I beg to support this proposal of the Government of Assam and to share these views. But I beg to add that an earnest attempt should be made to befit these backward tracts for full representative Government and they should be included in the Constitution of Assam as soon as they are tolerably advanced. I also add that in the meantime "the interest of the aboriginal inhabitants" and "the legitimate claims" of the people of Assam on the "resources" and the "mineral wealth" of these hills should be scrupulously guarded.

Central Government and Provincial Autonomy.

The people of Assam are unanimous in their demand for responsibility in the Central Government, and for full autonomy for their Province. They are of opinion that it is idle to speak about the freedom of India, so long as the Government of India is not responsible to the chosen representatives of the people. As for provincial autonomy, no other Province has a better claim to it than Assam. We were an independent people not very long ago. There are no communal troubles in Assam. The relations between the Hindus and the Muhammadans have nowhere been more satisfactory. In social matters, we are much ahead of many of the advanced Provinces in India. In education, Assam is one of the foremost Provinces in British India. And lastly the Reforms of 1919 have nowhere been more successfully worked than in Assam. I therefore beg to submit that nothing less than a first class autonomous government will satisfy the people of my Province.

Committees and Commissions.

Lastly, I beg to ask that the Boundary, the Franchise and the other Committees or Commissions that may hereafter be appointed may contain a full representation of the Province of Assam:

November 16th, 1931.

ANNEXURE 15.

MEMORANDUM ON THE COMMUNAL PROBLEM IN BENGAL.

By Mr. J. N. Basu.

The Hindus constitute nearly 44 per cent. of the population of Bengal. In addition, 2 per cent. of the population (including a small fraction of such proportion consisting of Anglo-Indians, whose home is in India, and of Europeans not permanently settled in India) consist of Jains, Buddhists, and people of primitive faiths who are closely akin to Hindus; and are now placed on a common electoral roll with the Hindus:

Apart from widespread education amongst the Hindus and the very important position they have occupied for centuries in the organisation of credit both for internal and external business and trade, in the conduct of such trade and in the distribution of commodities, in the organisation and management, with a few exceptions, of nearly all non-state institutions for education and other objects of public welfare (of which there is a very large number, far exceeding the number of State Institutions), the importance of the Hindus in Bengal was recognised when the Lucknow Communal Pact was arrived at in 1917, after protracted discussions by accredited representatives, both Hindu and Muslim, of the most important organisations in India, political and communal. The Lucknow Pact, by willing assent of both communities, allowed to the Hindu Community of Bengal 60 per cent. of the elected seats in the Provincial Legislature.

The Governments of England and India adjusted the Communal question under the Government of India Act, 1919, on the basis of the Lucknow Pact.

The conditions of life in Bengal do not require a further accentuation of the communal cleavage in the electorates and in the Legislatures, as a change in that direction is likely to affect seriously whatever progressive tendencies there are in the administration in matters of general welfare and in the conduct of trade, internal and external.

The entire Hindu community of Bengal is convinced that there is no justification for the establishment in Bengal of communal electorates and of reservation of seats for a majority community. Such a system is not only unjust to the minorities, but experience shows that it is uncalled for. Amongst the various considerations which make reservation of seats and separate communal electorates for a majority community undesirable, attention is invited to the following points:—

1. In Bengal, local bodies consist mostly of elected members. There are no communal electorates or reservation of seats in any of the very large number of local bodies in Bengal, except the Municipal Corporation of Calcutta. In localities where the land-owning classes, the traders, and money-lenders are mostly Hindus, and the electors are mostly Muslims, recent elections have shown that the majority of elected representatives on local bodies has consisted of Muslims.

2. The division of the electorates into separate compartments according to creeds with the right to each compartment to send communal representatives has led to the formation in the Legislature of Bengal of communal parties, and not of parties constituted on the basis of policies of general public welfare. This has seriously impeded the progress of the Province since the establishment of communal electorates and communal representation. The Ministers in the Departments, in which the responsibility rests with the Legislature, are attached to communal groups. Measures emanating from Ministers, belonging to communal parties, have been received with suspicion and have been opposed on account of distrust generated by the present grouping of parties due to separate communal electorates sending communal representatives.

3. By a majority community being limited to sending to a Legislature its separate representatives, the minorities, however important they may be, are deprived of the privilege of requiring such representatives to consider and support the minority point of view. It is almost an incitement to religious strife when a candidate for election to the Legislature has to base his appeal to the voters not on a policy of general welfare, but on a policy of communal exclusiveness and aggrandisement. A system of communal electorates deprives the country of some of the best workers who naturally object to basing their political action on differences in the personal religious faith of individuals and communities. It should be remembered that the State

in India has nothing to do with the religion of Church, either of the Hindus or the Muslims.

4. It should also be borne in mind that the basis upon which the British connection with India was founded and worked until recently has been the professed policy of the open door without distinction of class or creed as regards political authority or State preferment. After a century and a half of Britain's connection, no occasion has arisen for disturbance of those foundations and of regulating political status in India according to differences in religious beliefs.

5. While all progressive elements in Indian life, encouraged by the impulse of British culture, have been striving with considerable success to shatter the undesirable distinctions of caste, a serious attempt is being made to introduce a new caste system amongst the people of India in the region of politics, leading to mutual untouchability in political life and propaganda. The adoption of this policy will undo the great work that has been accomplished in India largely with the help of British administrators and teachers.

6. As pointed out by the Sikh Delegates, the investment of a majority community with the power to have a reserved majority in the legislature elected by a separate communal electorate, amounts to a perpetual domination by that community over the minorities, however important and capable they may be. The separatist schemes urged before the Committees of the Conference take no note of possible fluctuations in numerical proportions.

7. In Bengal, there has been greater amity between the Hindu and Muslim communities than elsewhere in India. There was no general demand or agitation on the part of Muslims in Bengal for separate communal electorates prior to the division of the electorates in 1909. When political parties were so divided, the protagonists of that policy stated that the need for it would disappear in a few years. The result has been different. If special privileges are once conceded to a community, it is futile to expect that community to surrender those privileges of its own free will. The basis of the constitution should, therefore, be even for all. While political doctrines and the rules of logic may be disregarded in framing constitutions, the rules of even-handed justice should be adhered to.

8. There is no problem of the Depressed Classes in Bengal in the same sense as the problem presents itself in Madras and in parts of the Bombay Presidency. Many classes that have never been, and many classes that are not at the present moment, untouchable are now putting forward a claim to be classed as "depressed" in order to obtain special political privileges. The fact that untouchability has broken up, never to come back again, will appear from the circumstances that amongst those who now choose to call themselves untouchables there are judges, legislators, professional men, and men in the Public Services.

In framing constitutions, it is easy to be misled by unreal difficulties. But if below the froth, the everyday life of the people is carefully looked into, these difficulties will disappear from view, and the problems facing the Conference will be found easy of solution. There is no need for dividing the Hindus into "touchables" and "untouchables."

9. The reservation of seats for the majority community and for certain minorities other than Hindus, and the allocation of the remaining seats in Bengal to the Hindu community will lead to a grave political injustice, for the Hindus of Bengal will then not only lose the weightage which they now have, but will receive a far smaller proportion of seats than they should have by reason of their number and importance.

ANNEXURE 16.

MEMORANDUM ON THE MINORITIES QUESTION.

By Sir Prabhashankar Pattani.

There is a sense in which the question of safeguards for minorities under the proposed new constitution has attracted an excessive amount of attention. Far too much has been heard of differences on details of minor importance, and too little of the broad general principles which must be applied if there is to be any satisfactory solution of this perplexing problem. Hence, I feel called upon as a member of the Round Table Conference to indicate the principles which, in my view, may be followed with advantage in reaching conclusions on the subject.

A primary consideration is that humanity is above nationality and nationality above community. A nation must make a national sacrifice if it is needed in the interest of humanity. That is the principle on which the League of Nations is founded.

Similarly, a community must make a communal sacrifice if this is asked in a reasonable spirit in the larger interest of a country. A divided nation is no nation, just as a divided community is no community. If India claims to be a nation suited to rule her own destiny, she will have first to evolve her nationhood. No section among us disputes the broad conclusion that our several communities will have to merge themselves into the Indian nation. The fact is that all Indians—Hindus, Muhammadans, Sikhs, etc.—must be Indians first and communalists afterwards. Politically, we must be only one Indian community. Socially, we may have our separate clubs, religiously, we may have our distinct faiths, culturally, we may still hold on to our time-worn ideas. But in the conditions of to-day we must breathe the air that is all about us. India is not going to have an atmosphere all her own in disregard of the democratic atmosphere of our time. Those who wish to live as human beings unenslaved by others, will have to keep pace with the progress of the human mind. There is no place to-day for the really conservative Brahmin; equally, no Mussulman can retain the idea that all are Kafirs who do not follow the teaching of the Kuran. The most orthodox upholders of their faith have to recognize that their different deities are only different names for the one Creator; that hidden under different colours of skin and myriad names we are all human beings.

In this spirit all sections of India will have to work together if they are to taste the fruits of independence. To be independent, one has first to acknowledge the independence of others. The man who would control others is only forging fetters for himself. It must be remembered that a community that wishes to get the better of other communities, soon comes to be divided into sub-communities, for at the root of all communal strife is self-interest, and that spirit will spread from the community to the individuals composing it. While self-interest divides, the spirit of renunciation unites. Those who give up share. Those that keep and monopolise create opposition; a fight ensues which results in loss to both sides.

Who then should make the first move towards reconciliation? The present day perverted idea is that the weak should go begging to the strong. That is not the way to peace. A grant grudgingly or unavoidably bestowed never reconciles, it only leaves a scar to be remembered and resented. For a true reconciliation, the strong should of their own accord propose generous terms to the smaller party. A sacrifice so made in securing friendship which is dear is no sacrifice in reality. Human comradeship is a possession which should be prized higher than any temporal sacrifices made in securing it. The Hindus, therefore, being the majority party, must first make approaches to the Muhammadans. To-day the Hindus are politically divided into many sub-communities. It was not so until recent years. The Muslims ruled our country for 800 years without communalism, as is shown by the fact that over 70 per cent. of the population is Hindu.

To-day, the obtainment of control of affairs by a community arises from the expectation of pushing forward communal interests, with the result that the subcastes wish to share the spoil. In trying to share by communal division they injure the commonwealth. Only an interest that can be obtained by common effort can be shared in common. In the endeavour to divide it into different portions we may lose its realisation as a whole.

A majority community should therefore first be united amongst themselves and then offer to the other communities a substantial share in the nationhood of India. A nation has its responsibilities as well as its rights. Rights are privileges; responsibilities are the price paid for them. The responsibilities and rights should counter-balance. The Mussulmans should have a fair share of both. Let them make their claim and then examine where the demands are exorbitant and where fair. Give them what is fair—or even a little more than what is fair, and resist the unfair. The price of peace has to be given. The majority can always afford to be generous. A sense of gratitude is a better bond than the reception of concrete benefits.

Politics is a vague science, but it is a vast one. It pertains to every activity of human existence. Domestic affairs are domestic politics, all economic questions are a part of political economy. Everything that is indeterminate connected with human affairs is politics. Therefore, the main function of organised society, which is the consummation of the happy living together of mankind, is given the name of "politics." The government of peoples is not an easy task, for people are a conglomeration of temperaments, and to devise a system of rule that will satisfy every member of the society is an impossible task. For a nation or a community to live fairly well together, they will have to achieve a common mentality. For a country to be successful in self-rule, a common political mentality higher than any individual mentality must develop. The collective mentality, if formed on the appreciation of the common good of the people as a whole, makes for a state of peace. This results in acquiescence in the formation of a constitution by which every individual in the higher interest of all will adapt his outlook to the common mind of the populace. India, to have a peaceful existence, freed from subordination to an alien power, will have to develop such a common political mentality. This pre-supposes a common alacrity for sacrifice. If, therefore, the communal differences are to be adjusted, all parties must be prepared to make reasonable sacrifices. Let us now examine what those sacrifices should be.

The most difficult problem is that of Hindu-Muslim relations. A good code of law and order, a constitution that will work without friction, the necessary measures of defence, freedom of individual vocation, non-interference with religious conscience—these and such other matters that are indisputably for the general welfare together, can be well provided for without the Hindu or Muslim having to make any real self-sacrifice.

If for nothing else, simply for the purpose of removing the fear, whether rightly or wrongly entertained, from the minds of the minority community, the majority community will have to accept some such solution.

Having proposed a constitution on these lines, we must consider in more detail in what special measure minority communities may desire to be specially protected from dominance by a majority community.

- (a) The Law Courts to do equal justice to all, irrespective of community. Law is no respecter of persons.
- (b) The army to defend the country.
- (c) Each man to be free to follow what calling or profession he desires.
- (d) Every man to be free to worship according to his conscience.
- (e) Taxes to apply to all communities without discrimination.
- (f) Medical relief and educational facilities to be open to all citizens.

(g) Equal opportunities of public service and state benefit to be guaranteed.

(h) Social customs and the respective culture of communities not to be interfered with by other communities.

These and such other principles are at the root of all democratic constitutions. But it is one thing to lay down principles and quite another for them to be worked up to in practice. Democracy is majority rule. Democracy decides by majority votes and, therefore, decisions may disregard even accepted principles. It is necessary, therefore, that fair treatment should be ensured to minorities on lines I now suggest.

(1) In any Bill bearing on a matter of religion or custom, a community by a two-thirds majority may claim and obtain exemption from the application of the Bill. When such minority community exercises the right it should not have the power to continue to take part in discussion of, or vote on, the measure.

(2) The Muhammadan community will have reserved for them one-third of the seats in the Central Legislature.

(3) The elections will be by joint electorate. This will promote better knowledge and appreciation of each other by the two communities.

(4) The provision of reserved seats should not be laid down in the constitution but should be agreed to between the two communities by way of a convention. The Hindus should bind themselves to see that the result of the Muhammadan elections bear out the agreed proportion. If the required number of Muhammadans are not returned the Hindus with the least votes will make room for the Muhammadans to the extent of their agreed number. Under this arrangement the majority community will awake to the necessity of meeting their Muhammadan brethren in a spirit of compromise. Failing an automatic adjustment of the elections in the right proportion, provision should be made for a stipulation to the same effect to be added to the constitution after an interval of five years from its inauguration. This is the effective way to turn the two communities into a democratic frame of mind. The responsibility placed on the Hindus by this scheme is great. The Muhammadans are only asked to trust the majority party. The majority party on the other hand will be on its trial as to the sincerity of its intentions in this regard. If it fails to keep its engagement, a constitutional provision in favour of the Muhammadans should be made.

(5) This reservation of seats for the Muhammadans need not preclude them from standing for other seats, and eventually if the Hindus accept the right kind of Muhammadan patriots, it is possible to hope that reservation of communal seats may disappear entirely. At the same time, it would be well if the Muhammadans can be persuaded to allow facilities for the election of some non-Muhammadans for Muhammadan reserved seats. After all the Muhammadan is not elected because he is a Muslim but because of his advocacy of the Muhammadan interest. The same principle would apply to a Muhammadan standing for a non-Muhammadan seat, or to a Hindu standing for a Muslim seat. The great object in view is to bring the two communities so close together politically that out of this contact there may arise a mutual trust which may bring about a common Indian nationality free from all religious or communal aloofness.

(6) The public services will go by merit. Competitive examinations should be introduced for every branch of service, using that term in a wide sense to include civil services, subordinate departmental services, municipal and local board appointments, engineering, medical and military services. All communities must compete for them and the posts will go by the number of marks.

(7) It must be admitted, however, that a backward community with limited resources for the education of its members cannot compete on equal terms with communities possessing ampler resources and better equipped by the fact of their past constant use of educational and other developing facilities. Backward communities must, therefore, be provided with wider and more special facilities for education. This can be done by larger grants to their schools where they are at any disadvantage, stipends for higher education, scholarships for special branches of education such as medical, electrical, and engineering courses, etc.

(8) Yet in spite of the facilities mentioned in (7) above, the backward community candidates may fail to enter the service in proportion to their number in the population and naturally they would prefer to have some special provision made at least for the first few years. It may, therefore, be provided that a certain percentage in the service be fixed for the minority community. But to deserve appointment the candidate must have passed the competitive examination required for that service, although he may not have obtained sufficiently high marks to bring him amongst the successful candidates. For example, suppose there are twenty vacancies in a department, and the percentage fixed for the minority community is one-third (*viz.* 6) and that amongst the first twenty of highest marks there are only three Muhammadans. The remaining three should then be taken from Muhammadan candidates next below the successful candidates. It should at the same time be provided in the interest of efficiency, that no candidate who has failed to secure at least one-third of the total number of marks or such other total as may be fixed by a Public Service Commission should be considered fit for appointment. Thus will be ensured (1) a proper representation in the service of the minority community and (2) efficiency of the service. On the latter depends the good government of the country and surely the interests of the country as a whole must have precedence over the interest of any individual community.

All outstanding needs of a community can thus be met by special concessions; but so far as possible, these concessions should be temporary. I do not mean thereby that the community for whom these concessions are made is to be deprived of them at the end of a fixed period, but that methods should be devised to raise the community within a fixed period to come up to the standard of equipment and efficiency of the majority community. The process should be that of levelling up the backward, not of levelling down the advanced, communities.

It should be clearly understood that a caste or sub-section is not taken in anything I have written as a community. The Hindu community, for example, comprises many castes—Brahmins, Banias, non-Brahmins, Untouchables, etc. Castes and sub-sections are the bane of India. Most English writers have denounced the caste system and yet curiously enough, the Simon Commission wished in effect, by the method of separate electorates, to perpetuate politically in the constitution the caste system! The facts, no doubt, have to be faced but the measures devised for that purpose should be such as to mould facts into harmony and not to perpetuate objectionable features, thereby aggravating difficulties in the way of welding together an undivided nation, which alone can make for successful democratic government. By all means provide for the partially developed communities, but let the provision be such as will raise them to the stature of grown-up communities, and not such as would keep them for ever in the position of mere pupillage.

Neither do religions always make communities. The Hindu conglomeration is all-embracing. The Vaishnavites, Shaivites, the Shaktas, the Jains have varied religious conceptions, but are all classed as Hindus. The political mentality of the Hindu of these and other sub-sections is identical.

These elements in their own interest and in the greater interest of the country, would do well to combine to make one all-embracing Hindu community for national purposes.

The Muslims are a distinct people. Their religion, culture, customs, temperament, outlook on life, and outlook on self and others is different from that of the Hindu. Thus the Hindu and his national brother, the Mussulman, are distinct communities. It follows that they will have to make reciprocal concessions to come together for national ends. I have made in this paper suggestions for such a *rapprochement*. Any constructive criticism of this scheme and alternative suggestions on these lines will be welcome, for my aim is to find a way of accommodation and peace, in pursuit of the great ideal of the eventual unification of the Indian people.

The foregoing proposals apply to the Central Government Constitution. The following are my suggestions for meeting the claims of minorities in respect to the Provinces:—

- (a) Reserved seats in proportion to population.
- (b) Competitive examinations for services with provisions similar to those in the Central Government.
- (c) Representation in services in proportion to population.
- (d) A majority community cannot reasonably claim reserved seats, for it has the means of securing at least its requisite number.
- (e) The fight between the sub-communities of the main community is not a national fight and should not be provided for in the constitution.

As the Hindu religion is one and yet the castes are many, so is the Muhammadan religion one and yet there are many tribes among the Muslims—Shias, Sunnis, Borahs, Pathans, Memons, Khojas, etc. It is conceivable that these several denominations may, on the analogy of the Hindu separatists of recent growth, ask for separate electorates. It behoves the Hindus to wipe out the exclusive attitude of caste and it equally behoves the Muhammadans to ask only for temporary concessions which should automatically disappear with the growth of true nationality.

The religious distinctions will remain, a certain individuality in culture and customs will persist, and differences of temperament will continue. Yet there is no reason why the two great communities of India should not bring a common purpose to the affairs of the country as a whole. India cannot stand outside the world of to-day; for good or evil the world is in the grip of democracy, and India cannot be an exception. It may be that dictatorship will follow as it has under various disguises in some countries of the West. But our present concern is with the world at large on the common platform of democratic principle.

The Muhammadans think that they have a good opportunity for a bargain. The Hindus must make a fair compromise if they are to attain a comradeship which may promote the ultimate object of the combined nationality that alone can make for self-government. If the compromise is really inimical to such a chance it would be better to refuse to come to terms and suffer the consequences of rupture, for that might induce the Muhammadans to realize, at a later stage at least, the disadvantage of a divided house. After all, Muhammadans always tell us that they share the Hindu desire for a self-governed India.

Difficulties are to be met, confronted, and overcome. They should not be used as an excuse for keeping India from the path of advancement. In search for a temporary or momentary advantage, one may lose the substance. It is better to wait and hope than to surrender a principle and accept a doubtful benefit. He gathers ripe fruits who waits for the season.

November 9th, 1931.

ANNEXURE 17.

MEMORANDUM ON HEADS OF DISCUSSION, NOS. V, VI, VII, AND VIII.

By Sir Prabhaskar Pattani.

HEAD V.

THE MINISTRY AND ITS RELATIONS WITH THE LEGISLATURE.

(i) *Proceeding on the basis (see paragraph 9 of this sub-Committee's Second Report), that Executive power and authority will vest in the Crown represented by the Governor-General, how are the Governor-General's Ministers to be appointed? Is there necessarily to be a Prime Minister, and if so, is the selection and appointment of the other Ministers to be made invariably, and as a constitutional necessity, through him?*

The Executive Power and authority will vest in the Crown represented by the Governor-General. There will be a Ministry to advise the Governor-General, headed by the Prime Minister, through whom other Ministers will be appointed by the Governor-General as a constitutional necessity.

(ii) *What is to be the number of the Federal Ministers, or if no number is to be prescribed by the constitution, by what authority is the number in practice to be determined and modified?*

Ordinarily, there should be no number of the Federal Ministry prescribed by the constitution; but as we are now starting with a new constitution, it would be well to lay down the number as necessitated by the convenient grouping of subjects within the orbit of Federal functions. The list of subjects provisionally drawn up last year would suggest the following portfolios:—

- (1) Army and Foreign Relations.
- (2) Finance.
- (3) Commerce and Industry (including Communications).
- (4) Law (including Legislative Department).
- (5) General Departments.

The number of Federal Ministers may be modified in the light of future needs, and the authority for additions and alterations will ordinarily be the Ministry, guided as it should be by the Legislature that will have to sanction the cost of the same.

(iii) *Is provision to be made for the representation in the Council of Ministers of:—*

- (a) *the States and British India respectively, and/or*
- (b) *of different classes, communities or interests; if so, of what classes, communities or interests?*

The constitution should make no provision of a distinguishing character, for the purpose of inclusion in the Federal Ministry, of the representatives of particular interests—the States, British India, or any classes or communities, as the insertion of any such statutory clause, apart from the impracticability of satisfying all varieties of separate interests as at present known, will make little for the unity, vigour and cohesion—so essential in all Executive Bodies. In practice, however, as every formation of the Ministry will be based on the administrative talents of the respective Members of the Ministry as well as on their qualities of leadership as illustrated in the following they can command in the Legislature, the majority at the Head of Government at any time will include in the Ministry a sufficient representation of interests harmonizing with the policy of the day. It is only by this means that the country can move healthily in the direction of democratic national government, as distinguished from government of stereotyped interests and communities.

(iv) *If there are to be such representative Ministers, are their respective numbers to be prescribed either in the constitution itself or by instructions to the Governor-General?*

This question does not arise in view of the opinion expressed in (iii) above.

(v) (a) *In what sense are Ministers to be responsible to the Legislature?*

(b) *Is this responsibility to be collective? And if so,*

(c) *Is such collective responsibility to be recognised and expressed in the constitution?*

(a) Ministers will be responsible to the Legislature in the same way as at Westminster, subject to the provision of a no-confidence vote, as detailed in Section 7 (b) below. Fundamentally they owe their existence in office to the support of the majority of the Legislature. The relationship between the Ministry and the Legislature is of a reciprocal character. The Ministers will guide the Legislature and will, in turn, allow themselves to be guided by the sense of the Legislature. From their position of authority and intimate knowledge of the working of the machinery of Government, they will give a lead to the country and their day-to-day contact with the Legislature will enable them to appreciate how far the Legislature can respond to their measures.

(b) and (c) The responsibility of the Ministry to the Legislature is to be collective, and this collective nature of the responsibility should be recognized and expressed in the constitution. Unless responsibility is collective, the Ministry cannot govern as a united body. Collective responsibility alone will make for unity and steady enforcement of policy. Collective responsibility also involves collective fall, and it is the recognition of this fact that lends stability to the Ministry, for collective dismissal of the Ministry is not likely to be lightly conceived by the Legislature. It is easy to break an individual Minister; it is not so easy to defeat a whole Ministry.

(vi) *What is to be the relationship of the persons appointed by the Governor-General to assist him in the administration of the "reserved" portfolios to—*

(a) *the legislature?—Are they, e.g., to be or become members of one or other Chamber with the usual rights as such to speak and vote, or are they merely to have the right to speak in either Chamber, with no power to vote?*

(b) *The Council of Ministers?—Are they, e.g., to attend all Meetings of Ministers or only when directed to do so by the Governor-General?*

(a) The relationship of the persons appointed by the Governor-General to assist him in the administration of the "Reserved" portfolios to the Legislature will be similar to the relationship of any other Ministers, that is, they will have the usual right, as Members of either House, to speak and vote.

(b) There should be no separate Council of Ministers of "Reserved" Departments as distinct from other Ministers of the Cabinet. They will be in charge of the special "Reserved" portfolios, but they will attend all meetings of the Cabinet. Similarly, the whole Cabinet will have an advisory voice in the consideration of matters connected with the "Reserved" Departments, the final decision of which may, however, lie with the Governor-General. The coalescing of the two parts of the administration will be the toughest problem of the Federal Government, the solution of which can be had only in the frequent coming together for consultation of all Ministers—"Reserved" and others—under the Presidency of the Prime Minister, as is the case in any unitary Cabinet. Routine matters will, of course, be dealt with by the Member in charge of each Department.

(vii) *Could the constitution itself, as distinct from constitutional usage and practice, appropriately purport to prescribe and define—*

(a) *The circumstances in which a Ministry is to be held to retain or to have lost the confidence of the Legislature, and in which it is justified or not justified in retaining office?*

(b) *The circumstances in which "in the interests of stability an adverse vote should not . . . necessarily involve the resignation of a Ministry" (Second Report of Federal Structure sub-Committee—Section 35)—having regard to the fact that, in general, in Parliamentary systems of Government an adverse vote does not necessarily involve a Ministry's resignation?*

(c) *Whether or not a Ministry would be justified in retaining office if on any given matter they are accorded the support of one Chamber but denied that of the other?*

(a) This must be left to the discretion of the Ministry, and the Ministry in special circumstances may do well to be guided by the Governor-General.

(b) An adverse vote should not necessarily involve the resignation of a Ministry. The constitution should provide for a distinct clause to the effect that a direct vote of no-confidence in the Ministry alone will force the resignation of the Ministry. It must be recognised at the same time that although the requisite percentage of votes in favour of a no-confidence motion may not be available, frequent adverse votes by bare majority should induce resignation because of the fact that constant hindrances may vitiate the smooth working of the Government, and it would be in the interest both of the country and the Ministry that there should be a change. Where a Ministry insists upon remaining in power in spite of constant defeats, the Governor-General will have the power, under the Instrument of Instructions, to advise the Ministry to resign or to dissolve the House on the advice of the Prime Minister as circumstances may demand.

(c) In the circumstance, the vote of a joint session of both Houses should be invited; and in the event of a direct vote of censure not maturing, the question whether or not a Ministry would be justified in retaining office, if on any given matter the joint session refuses to support the Ministry, should be left to the Cabinet as detailed in (b) above.

(viii) *Would stability be secured in practice by an express provision in the constitution that a vote of no-confidence in the Ministry is not effective unless it is carried by a vote of not less than two-thirds (or some other arbitrarily fixed proportion) of the members present and voting (or of the total membership of one or both Chambers)?*

Yes. Stability will be ensured if it is provided that a vote of no-confidence in the Ministry will not be effective unless it is carried by a vote of not less than two-thirds of the Members of the Legislature present, both houses voting together.

(ix) *Is it possible to secure, without impairing the unity of the Legislature, the expressed desire of the States that their representatives should take no part in the discussion of British-Indian affairs?*

If so, would this be satisfactorily effected by providing in the constitution that all purely British-Indian matters should stand referred to a Committee consisting of all the British-Indian representatives or to a standing committee of them?

Would it be possible to exclude the representatives of the States from voting on any such British-Indian matter which the Ministry, having experienced or anticipating an adverse decision from the British-Indian representatives, decided to bring before the Legislature as a whole as a matter of confidence?

Yes. The express desire of the States that their representatives should take no part in the discussion of British-Indian affairs should be expressly provided for in the constitution. Interference in the internal affairs of the States could only be prevented thus. All purely British-Indian matters should stand referred to a Committee consisting of all the British-Indian representatives. This provision will apply to both the Chambers. The representatives of the States cannot, however, be excluded from voting when a direct motion of no-confidence is to be brought forward for the reason that they have an influence in the formation of the Ministry; but they should not take part in matters of exclusively British-Indian concern on

the anticipation that from the discussion may arise the question of want of confidence. The "no-confidence" resolution should be a definite motion, separately brought forward.

HEAD VI.

DISTRIBUTION OF LEGISLATIVE POWERS BETWEEN THE FEDERAL AND PROVINCIAL LEGISLATURES: EFFECT IN THE STATES OF LEGISLATION RELATING TO FEDERAL SUBJECTS.

(i) *Is the constitution to declare in terms that the legislative powers of the Federal Legislature and of the Provincial Legislature are confined respectively to the spheres of Federal (and Central) subjects and Provincial subjects?*

(Note: Under the present Government of India Act, it will be remembered, the combined effect of Sections 65, and 80a, may be broadly stated as being that there is no statutory distinction between the extent of the legislative power of the Central Legislature and the Legislature of a Province, except that the competence of the latter does not extend beyond the provincial boundaries. While, therefore, there are provisions* designed to ensure that without the previous assent of the Governor-General, neither body shall invade the sphere assigned to the other by the allocation of subjects under the Devolution Rules, the position remains as it was before the Act of 1919, that no Act passed by either is challengeable on the ground that it could be validly enacted only by the other. An affirmative answer to this question would, therefore, alter this position.)

Yes.

Note: The autonomy of Provinces postulates this distinction. If a case arises wherein the respective authority of one or the other is in doubt, the Federal Government will, in the first instance, decide whether the sphere of influence in regard to that particular matter is Federal or Provincial, provided that the Province will have the option of taking the matter to the Federal Court if it so desired. The distinction becomes all the more necessary because of the nature of sovereign autonomy of the Indian States.

(ii) *Where are the residual legislative powers to lie?*

The residual legislative powers should lie with the Federal Government in regard to Provinces but not with regard to the Indian States. The Provinces so far have been under the control of the Unitary Central Government, who will under the new constitution release certain powers in favour of the Provinces. The Provinces, in a way, would be grantees, and cannot, therefore, claim residual powers. In the case of the States, it is the States that delegate certain specified authority to the Crown only for the specific purpose of bringing about federation; and being the reservoir of inherent internal sovereignty they are entitled to retain all the residual powers.

(iii) *Is it to be taken as accepted doctrine that "it is of the essence of a federal constitution that the enactments of the Federal Legislature acting within its legal scope should have full force and effect throughout all units comprised in the Federation" (First Report of Federal Structure sub-Committee, Section 8) and that consequently Acts of the Federal Legislature relating to Federal Subjects will apply proprio vigore to the territory of the States' Members of the Federation in the same way and to the same extent as they will apply to the Provinces?*

Yes. Enactments of the Federal Legislature acting within its legal scope should ordinarily have full force and effect throughout all units comprising the federation. This will apply to the Provinces without doubt. In the case of the States, however, if they show reluctance in the matter, the remedy is for them to adopt the federal laws as their own without any

* Section 67 (2), Clauses (i), (ii), and (iii).

modification, so that there may be no dissimilarity in the application of Federal Legislation.

(iv) *Even if the answer to question (i) is in general in the affirmative, are the Federal and Provincial Legislatures to retain in any respect concurrent powers of Legislation? If so, in what respects or in relation to what subjects (or aspects of subjects)?*

Yes; the concurrent powers of legislation will chiefly be in relation to:—

(1) Subjects on which it is constitutionally valid for both legislatures to pass Laws, e.g., Laws relating to bankruptcy, property, civil and criminal law procedure—or provincial trade, traffic and communications.

(2) Matters of a social or “welfare” nature which, although provincial, have an all-India importance requiring Federal legislation, e.g., marriage laws, prohibition of intoxicants, conditions of labour classes in relation to housing, insurance, etc.

(v) *If on any matter there are to be concurrent powers are federal laws to prevail over provincial laws on the same subject?*

Yes.

(vi) *Is the question of ultra vires legislation to be left exclusively to the Courts, or is any machinery practicable which would prevent the question of ultra vires arising or of restricting inconvenience when it does arise [cf. Government of India Act, Section 84 (2) last eight lines].*

The question of ultra vires legislation should be left exclusively to the Courts; but it may be agreed that the Federal Government with regard to Federal Legislation, and the Central Government with regard to Central Legislation, may, in the first instance, decide any question of this nature, leaving always to the other party concerned freedom to take the case to the Courts.

HEAD VII.

ADMINISTRATIVE RELATIONS BETWEEN THE FEDERAL GOVERNMENT, THE STATES, AND THE PROVINCES.

(i) *In relation to Federal Subjects, what precisely is to be the range of of administrative authority exercisable by the Federal Government over the units of the Federation?*

The range of administrative authority exercisable by the Federal Government over the units of the federation in relation to federal subjects should be full, but it is suggested that in the interest of smooth and frictionless working, the units may exercise this authority as agents of the Federal Government.

(ii) *In relation to Federal Subjects, is any distinction to be drawn between the extent of the authority exercisable by the Federal Government over the Provincial Governments on the one hand and the States Governments on the other?*

If it is intended that the Federal Government, by a direct machinery, will exercise authority in relation to federal subjects in the Provinces, the States would insist that they should be left to exercise this authority themselves as agents of the Federal Government. They may not object to a proviso that the Federal Government may detail an officer to exercise that authority in a State that may fail to carry out this administrative obligation. The question whether a particular State has failed in its obligation should be left to the Federal Court.

(iii) *In relation to Central Subjects, is the authority exercisable by the Federal Government over Provincial Government to be the same in extent and character as that exercisable over the Provinces in relation to Federal Subjects?*

Yes.

(iv) *In relation to Provincial Subjects, is the Federal Government to be empowered to exercise any supervision and/or control over the administration of these subjects by Provincial Governments? If so, over what subjects or classes of subjects and/or for what purposes?*

So far as possible there should be no supervision and control by the Federal Government in relation to Provincial subjects. In relation to the internal affairs of the States, the Federal Government will have nothing to do. The question of supervision or control should really arise only in cases of inter-provincial differences.

HEAD VIII.

THE FEDERAL COURT.

(i) *Should members of the Federal Court be appointed by the Crown and on what tenure?*

All judges will be appointed by the Governor-General on the advice of the Executive Council.

Judges will be appointed without limit of time, and will not be removable before the retiring age except by resolution of both houses, and that only on charges.

(ii) *Should the Court have an original and an appellate jurisdiction, or only an appellate?*

Only Appellate Jurisdiction.

(iii) *Should the Court have an exclusive original jurisdiction, e.g., in the following matters (non-justiciable matters being excluded):*

(a) *disputes between the Federation and a State or a Province in any matter involving the interpretation of the constitution;*

(b) *disputes between two States, two Provinces, or a State and a Province, in any matter involving the interpretation of the constitution.*

(c) *the interpretation of agreements between the Federal Government and a State or a Province, or between two States or two Provinces, or between a State and a Province, and any question arising thereunder.*

Yes, in regard to (a), (b) and (c).

(iv) *Should the Court have an exclusive appellate jurisdiction from State Courts and Provincial High Courts, e.g., in any matter involving the interpretation of the constitution.*

Yes—in any matter involving the interpretation of the constitution.

(v) *Should provision be made for special references by the Governor-General to the Court as under Section 4 of the Judicial Committee Act, 1833?*

Yes.

(vi) *Should there be a right of appeal from the Federal Court to the Privy Council as of right or by leave of the Court, the right of the Crown to grant special leave to appeal to be preserved in all cases?*

(vii) *What provision should be made for the enforcement of the judgments of the Courts in the States and in the Provinces respectively?*

No appeal to the Privy Council, but the right of the Crown to grant special leave to appeal to be preserved in all cases. In cases of failure of enforcement of the judgments of the Courts in the States and in the Provinces respectively, the Federal Government will take measures to enforce them. The question whether or not there has been a failure being one of fact and, therefore, a justiciable matter, will be within the competence of the Federal Court.

ANNEXURE 18.

NOTE ON THE POSITION OF THE SO-CALLED SMALLER STATES.

By the Raja of Korea.

The so-called smaller States have a feeling of genuine apprehension that in the Federal Houses of small sizes their interests may not receive adequate and legitimate insurance because of their meagre strength in them. In regard to the Upper House where a variety of indefinite factors will govern the question of the apportionment of seats between the States they feel that a small House will not afford them sufficient scope for their proper representation. The paucity of seats and the priority of the claims of the bigger princes will hardly make it possible for them to have such a numerical strength as they may be entitled to in consideration of their resources and general importance. This anxiety is not so actuate in the case of the Lower House, where a definite principle of representation has been agreed upon, namely, population. Nevertheless, a larger Lower House than 350 would also be a necessity if the various interests comprising the so-called lesser States' groups are to receive their fair representation, and also for maintaining the requisite balance in the relative strength of the two Houses, when the Upper House is enlarged.

In view of the difficulty in the distribution of seats in a small House, a claim has been made by H. H. the Chief Sahib of Sangli, for 150 seats for the States' representation in the Upper House, and I entirely associate myself with it. The difficulty of making adequate provision for special constituencies in small Houses has also been realised by some of the British Indian delegates, and they too have similarly urged the necessity and desirability of having comparatively larger Houses.

Allotment of 125 seats for all the States will hardly meet the requirements of the situation, much less will the provision of 100 seats as suggested by some. This figure of 125 has been conceived under the belief that the model of the constitution of the Chamber of Princes will also prove suitable and acceptable to all concerned in the framing of the structure of the Upper Federal House. It is sought to provide 109 seats to the permanent members who have at present direct representation in their own right, and 12 to the five groups in the second class who are represented through representative members, and 4 to the third class group comprising estates and jagirs who have at present no representation whatsoever.

It may be submitted here that the constitution of the Chamber of Princes does not appear to be founded on a just and equitable basis so far as the claim of the first few big States and some of the second class States are concerned. As a result of the existence of this improper classification some of the bigger States have persistently disassociated themselves from the Chamber, and the smaller States have also been protesting against their exclusion from the Chamber in their own right, in consequence of the imposition of invidious distinctions and unfair discriminations. Several members of the Chamber of Princes in their own right have been admitted into the Chamber primarily in consideration of their salutes. Some have received permanent representation in virtue of their enjoying both of these qualifications. In respect of this class of States who constitute the major bulk of the Chamber, the smaller States have nothing to say, but as regards those whose eligibility to permanent representation in the Chamber is based merely on salutes for so-called higher degree of internal autonomy, which in many cases is not at all of a superior order than that possessed by many of the second class States, it is felt that the discrimination is unfair, specially where the absence of salute in the case of some of the smaller States is counter-balanced by greater resources, bigger area and larger population.

Salutes it is submitted should not be the sole criterion or even the principle criterion for individual representation in the Federal Upper House on the analogy of the Chamber constitution. These are more associated with the person or house of the ruler, and they are no index to the character of

the State which is more appropriately represented by other factors such as resources, area and population, etc.

Many second class States as I have submitted, enjoy internal autonomy which is in no way inferior to that enjoyed by the smaller States in the first class, and where there exist differences they occur not so much owing to the inherent character of the State or States concerned, but to the varying Policies adopted by the different Local Governments in recognising the status and power of the States under them.

As a result of the recognition of the existing unfair discriminations between some of the first and second class States in the Chamber, a State was recently promoted from the second class to the first class, and further investigations are being instituted by the Government to ascertain what other States are labouring under a similar injustice and to rectify their anomalous positions. In consequence of this enquiry several States of the second class are expected to be accorded their rightful position in the first class. These possible promotions have to be kept in view, and bearing in mind the fact that the present strength of 12 representatives of the smaller States which is hardly just or adequate, will need enhancement and that representation will have to be provided for the third class group of Estates, I submit that the case for a larger House is obvious.

The anomalies in the constitution of the Chamber of Princes are manifest, and their reproduction in the Federal Upper House will be ruinous to the interests and just aspirations of the smaller States. Here I wish to point out that whereas the Chamber of Princes is a consultative and advisory body, the Federal Chambers will be legislative bodies, while the smaller States could, in the Chamber of Princes, endure the injustices embodied in its constitution and its consequences, they can hardly afford to do this in the case of a Legislative Chamber, whose decisions will have a vital and far reaching effect on their interests.

However, as the apportionment of seats between the States *inter se* is proposed to be taken up in the first instance by the Chamber, I do not propose to expatiate on this subject any further than is necessary to clearly state the present position in regard to the Chamber of Princes, and mention the evils its constitution harbours. It is possible though very unlikely, that a satisfactory solution may be arrived at without the intervention of an outside agency.

In connection with the question of vacant seats consequent on the decision of some of the States not to enter the Federation, I beg to submit that some of the smaller States are opposed to the idea of the seats allotted to them and remaining vacant being occupied, even for the time being, by other States or groups of States. This may lead to consequences which may be prejudicial to their interests.

For the present my claim on behalf of the smaller States would be for a comparatively larger House which would provide the States with 150 seats. The Lower House will also need a corresponding increase for the maintenance of the necessary balance between the two Houses, and for preventing the constituencies from becoming unmanageable and inconveniently large in their size.

November 2nd, 1931.

ANNEXURE 19.

REPRESENTATION OF THE SMALLER STATES.

Memorandum by the Raja of Sarila.

I feel it incumbent upon me in the interests of the smaller States, which I have the honour to represent at the Round Table Conference, to make known the broad and tentative views held by me and other States in relation to the vexed question of representation in the Federal Legislature.

It is a source of satisfaction to us that it was found possible this year to secure representation for the smaller States at the Conference, the exclusion of which on the last occasion was the cause of much misgiving. Now that the proceedings of the last sitting of the Federal Structure Committee have been made available, it is possible to offer an informed criticism from our angle of vision; indeed, since they were published, we have been at pains to give them most careful and thoughtful study. While very desirous of not proving in any way an obstacle in the solution of so delicate a problem, which so largely concerns the future welfare of India as a whole, we must admit that we are equally zealous to secure proper and adequate safeguards for ourselves at a time when sands are shifting so rapidly.

The problem may for convenience be stated under three main heads:—

- (1) Classification of the States on the basis of sovereignty;
- (2) The means by which the homogeneity of the States might be secured;
- (3) The best method of securing an adequate measure of representation for all the States.

It is of interest here to note a fact which, perhaps, is sometimes lost sight of, namely, that many of the so-called smaller States are autonomous in themselves. Disregarding for the purpose of this examination those varieties and complexities of treaties, engagements, and Sanads, which admittedly are difficult of classification, all the States, big and small, in categories now referred to as class I or II, enjoy the same degree of guaranteed security from external interference. The Paramount Power, too, owes them obligations, as it does to those States, larger perhaps, now classified as class I States, or even those in class I, which are smaller than those in class II, which enjoy the right of membership of the Chamber of Princes in their own right. In addition to this the class II States, as they are called, are sovereign in their own territories and have powers of legislation and taxation. Furthermore, some of them are actually held in higher esteem of the Crown than some of those States in classification I, as may easily be discovered by a glance at the provincial list of precedence. The Indian States Committee, over which Sir Harcourt Butler presided, created this distinction to the disappointment of the States not members of the Chamber of Princes. If we look into the history of the States' relations with the Crown and their political significance, we will find that no discrimination or differentiation was suffered from the time, when salutes, the prerogative of the Crown, were fixed in 1858, until such a recent date as 1921, when the Chamber of Princes was inaugurated. At the Chiefs' Conference, held at Delhi in 1919, Lord Chelmsford actually made the observation that, in his own and Mr. Montagu's opinion, "it would be unwise to base upon the salute list, as it stood, any fundamental distinctions between the more important States and the remainder, but, that, owing to the extreme difficulty of defining with precision the full powers of internal administration and the embarrassment which must be caused by applying the test when formulated in individual cases, after all, the wisest course would be to base the distinction primarily on the salute basis". Here then lies the crux of the differentiation which has grown up and created for the smaller States a position historically untenable; this position was grievously aggravated by the Indian States Committee, which made the line of demarcation even wider.

Then there are the anomalies which have crept into the Chamber of Princes as at present organised. The States classified as class II States by the Indian States Committee are 126, of varying size and enjoying different degrees of sovereignty and status. These 126 States have been given 12 representatives in a body composed of 121 members, which obviously is very scanty representation and may almost be said to prove the inadequacy of the present Chamber of Princes as a truly representative body. For example, 32 States of Central India are entitled to one representative only. Besides this disability there is another also, which hinders the smaller States from the enjoyment of the privilege of being represented on the

standing Committee of the Chamber of Princes. The Chamber, however, is only a consultative body and these limitations do not affect the smaller States very materially, but the Federal Legislature will be a different kind of organisation with greater functional capacities and such handicaps and disqualifications are likely to prove a real hardship. The criteria of representation operative in the Chamber of Princes must be abandoned and classification on the basis of status and sovereignty should be adopted, irrespective of salute, according to the list of precedence. Although the possibility of recognising or attaining equality of sovereign powers may be remote, it is submitted that it is within the scope of practical politics to assure "equity of representation".

There is not the slightest doubt that the interests of the Order of Princes, of States big as well as small, are homogeneous and there is a common denominator of sovereignty. The desire and necessity to safeguard that sovereignty is also common, and what is desired is that stress be laid on this unity of interests and position rather than on the arbitrarily drawn distinctions which have grown up.

As regards (2) I am of the definite opinion that it will be in the best interests of the States and of India as a whole that the States join the Federation not consecutively but collectively. The reasons in favour of this proposal have been adduced above and I need not further dilate upon them. What I want to emphasise here is the unanimity that would make the States one if developed on pure and simple lines, enabling the problem to be solved, and allowing the whole order to play a valuable part in the scheme of things.

The smaller States, as has been said already, do also cherish the degree of sovereignty possessed by themselves and they are making a proportional sacrifice in the interest of the whole; for this reason there can be no question but that they should desire and expect an effective voice in the counsels of the legislature which is ultimately to control their destinies. There is no reason why their interests should not be safeguarded. If under any scheme equity can be assured to the smaller States there can be little doubt that they would be advised to co-operate. There remains for brief mention the means of securing uniformity of representation of all units.

The means by which this can be secured is that all the States in Class I, supplemented by those in Class II, at present, whose status entitles them to be elevated to this category, together with those eligible to send representative members, would, acting together, be enabled to consider a panel of names prepared by the whole body and to vote thereon as separate entities. The bigger States need in this event suffer no qualms or anxieties nor need they have any occasion to be apprehensive as to their own position, as it will be in the interests of each unit to see that the best talent available, whether it be from among the bigger States or the smaller States, should secure election to the Federal legislature in the interests of the Order as a whole. Men of sound views and mature experience would naturally command the greatest number of votes. The fact of belonging to a bigger or smaller State should in such circumstances be no handicap or disqualification, and only thus can the truly representative character of the Order be assured. In addition to this they might be guaranteed a number of permanent seats which would necessarily be filled by persons from the particular State or States. This would ensure them due representation in the Federal Legislature, while it will at the same time provide for the smaller States an equitable proportion and will create a much needed cohesion among all the States.

The consent of the smaller States to any scheme of Federation is conditional on their securing this equity of representation, or at least the adoption of these principles substantially.

I have set out these views for consideration, and speaking on behalf of the smaller States and for those Estates, which are not included in the categories discussed above, I make bold to press for adequate safeguards and the fullest degree of representation in any constitutional programme

to be adopted for all collectively. We are eager to maintain the individuality of the Estates as well, and would not like them to be grouped with any big State or with British India in any manner that would efface their individuality, and there would probably be no objection to these very small Estates being also given a measure of representation.

I am sure that these views will sound a sympathetic chord in the hearts of my fellow delegates at the Round Table Conference both from the Indian States and British India and that the justice of our claims will be recognised by all concerned.

14th October, 1931.

ANNEXURE 20.

NOTE ON THE POSITION OF THE SUBJECTS OF INDIAN STATES IN THE FUTURE CONSTITUTION OF INDIA.

By Diwan Bahadur M. Ramachandra Rao.

In the Third Report of the Federal Structure Committee an attempt has been made to fill in the outline of the Federal Constitution for Greater India sketched in the Second Report of the sub-Committee dated 15th January, 1931. In a consideration of this Report, I should like to invite the attention of the members of this Conference to a matter of fundamental importance. The sub-committee did not give any attention to the position of the people of the Indian States in the new constitution and the necessary safeguards for protecting their rights and liberties. In a memorandum which was circulated by me during the sittings, of the First Session of the India Round Table Conference (printed at pages 183—186 of the Report of the Minorities sub-Committee), I drew the attention of the Conference to this subject and contended that a Federal Constitution for the whole of India must materially affect the status and position of the people of the Indian States. I also suggested that the rights and obligations of the citizens of the Federating States and of British Indian Provinces to the new Federal Government of United India should be carefully examined and clearly defined, and that certain fundamental rights should be embodied in the constitution and also that the necessary judicial machinery for enforcing these rights should be set up. During the Plenary Session of the Conference held in January last, I also pressed upon the attention of the Conference the desirability of making provision for the representation of the people of the States in the Federal Legislature of the future, and suggested ways and means for the purpose. Their Highnesses the Maharajahs of Bikaner and Kashmir, and His Highness the Nawab of Bhopal were pleased to make certain observations in their speeches in January last to the effect that fundamental rights were already possessed by the people of their States, and nothing was dearer of their hearts than to take care of the interests of their own people. As regards representation in the Federal Legislature, the Report of the Federal Structure sub-Committee dated 15th January, 1931, expressly stated that the selection of the representatives of the Indian States in the future Indian Legislature was entirely a matter for the rulers of the States. The suggestion made by me during the Plenary Session that the people of the States should be represented in the Legislatures by some method of election did not elicit any response from the members of the Indian States Delegation.

2. I venture, therefore, to again invite the attention of the members of the Conference to the fact that the Federal Constitution for India, as set out in the present Report, has been framed without the representatives of the people of the Indian States being heard in regard to the new constitutional structure proposed therein. It cannot be seriously contended that the people of the Indian States have no interest or should have no voice in the evolution of a new constitutional tie between British India and

the Indian States based upon the federal principle. Every Minority Community, however small, belonging to British India has been represented at this Conference, and it is most unfortunate that the British Government and the Government of India should not have made provision for the representation of seventy million people of the Indian States at this Conference, and that the representatives of the people of the Indian States have not been placed in a position to urge their own case at this Conference. From the point of view of British India, it is equally essential that the new federal constitution should be set up with the general goodwill and concurrence of the people of all the federating units. Moreover, the members of the Federal Structure sub-Committee who are parties to the Second Report expressed the opinion that their Report left open many points which have to be settled after public opinion in India has had an opportunity of expressing itself upon them, in order that the completed constitution may be based on the largest measure of public approval in India. In these circumstances, I feel it incumbent that I should invite the attention of this Conference to such public opinion as has found expression among the people of the Indian States in regard to the new constitutional structure discussed by the Federal Structure Committee. During the last few months several meetings of the people of the Indian States have been held in various parts of the country, and resolutions have been passed in representative conferences as to how the people of the States should be protected in a new constitution. I beg to invite the attention of this Conference specially to the resolution passed at the Third Session of the Indian States' People Conference held at Bombay on the 9th, 10th and 11th June, 1931. In inviting the attention of the Conference to this resolution, I should not be understood as being in favour of every one of the proposals embodied therein. As suggested in my memorandum circulated during the first Session of this Conference, and also in my speeches at the Plenary Conference, I beg to urge that it will be necessary to make provision for the following:—

- (1) Federal citizenship and fundamental rights for the people of the States to be embodied in the new constitution.
- (2) Federal judicial machinery to be provided in the constitution to protect the fundamental rights of the people of the States.
- (3) Representation of the people of the States at least in one of the Houses of the Federal Legislature, preferably the Lower House, by some system of direct election.
- (4) The linking up of the judiciary in the Indian States with the Federal Supreme Court.

3: Every minority community in British India has pressed at this Conference that certain fundamental rights should be provided in the new constitution in regard to safeguarding their position. If it is necessary to embody these rights in the new constitution for minorities in British India, it will be even more necessary to safeguard the rights and liberties of the people of the Indian States. Federal citizenship is a feature of all federal constitutions, and the people of the Indian States, as well as of British India, should have their citizenship rights guaranteed by the law of the constitution. These fundamental rights have been discussed in my memorandum referred to above, and also during the sittings of the Minorities Committee and of the Federal Structure Committee. The Third Report of the Federal Structure Committee has not made any reference to the position of the people of the States under the new constitution. As regards federal judicial machinery, it is not clear from the Report of the Federal Structure Committee whether the Supreme Court would intervene in case of the violation of any of the fundamental rights when they are embodied in the constitution. It is necessary to make this point quite clear. If the fundamental rights of any subject of an Indian State are violated by the executive authority of that State, adequate protection should be afforded to him by a resort to the Supreme Federal Court. As regards the method of selection of States' representatives in the Lower Chamber, it is clear that it

is a matter of the utmost importance to the Federation as a whole, and British India is as much interested as the people of the States that a proper constitution based upon a system of popular election should be devised by the States in sending their representatives to the Lower Chamber. Looking to the state of public feeling in India, nothing less than a system of direct election would prove acceptable and satisfactory to the people of the Indian States, as also to the people of British India. If a system of election is introduced in the States, there is no reason to doubt that the people of the Indian States will identify themselves with their Rulers in regard to all matters coming before the Federal Legislature, as local sentiment and loyalty to the Rulers are still very strong in the States.

It is to be hoped that the Rulers of the Indian States and their Ministers present at this Conference will secure the hearty co-operation and goodwill of their own people by making all necessary concessions for the recognition of their rights and liberties, and to satisfy their legitimate aspirations in the working of the new constitution.



Indian Round Table Conference

12th November, 1930—19th January, 1931

PROCEEDINGS OF SUB-COMMITTEES

(Volume IV)

[SUB-COMMITTEE No. IV (Burmā)]

CALCUTTA: GOVERNMENT OF INDIA
CENTRAL PUBLICATION BRANCH
1931

INTRODUCTORY NOTE.

Proceedings of the Indian Round Table Conference in plenary session, and in Committee of the whole Conference, are contained in a separate volume, the Introductory Note to which explains, briefly, the procedure adopted by the Conference.

Proceedings of Sub-Committees are contained in nine volumes as below :—

Volume I.—Federal Structure.

„ II.—Provincial Constitution.

„ III.—Minorities.

„ IV.—Burma.

„ V.—North-West Frontier Province.

„ VI.—Franchise.

„ VII.—Defence.

„ VIII.—Services.

„ IX.—Sind.

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INDIAN ROUND TABLE CONFERENCE.

SUB-COMMITTEE NO. IV.

(Burma.)

The Sub-Committee was constituted as follows:—

The Earl Russell (<i>Chairman</i>).	Mr. B. Shiva Rao.
The Earl Peel.	Rao Bahadur Srinivasan.
Mr. Isaac Foot.	Captain Raja Sher Muhammad Khan.
U Aung Thin.	Mr. H. P. Mody.
U Ba Pe.	Mr. A. H. Ghuznavi.
Mr. M. M. Ohn Ghine.	Sir B. N. Mitra.
Mr. de Glanville.	Sir Hubert Carr.

with the following terms of reference:—

“To consider the nature of conditions which would enable Burma to be separated from British India on equitable terms and to recommend the best way of securing this end.”

PROCEEDINGS OF THE FIRST MEETING OF SUB-COMMITTEE No. IV (BURMA) HELD ON 5TH DECEMBER, 1930.

Chairman: The terms of reference to this Committee are “to consider the nature of the conditions which will enable Burma to be separated from India on suitable terms, and to recommend the best way for securing this end”. As I think was understood by the Conference, and as was stated by the Prime Minister when that resolution was adopted, it is perfectly clear that the question of the principle of the separation of Burma is no longer open to discussion. That matter has been settled, and the object of this Committee is to consider the suggestions in the terms of reference. I thought that to-day we should be acting most wisely if we decided the kind of subjects that have to be considered and that we shall have to discuss, and to arrange about our future meetings.

Before our next meeting I should propose to have circulated to the Committee, I think, some little memorandum showing the kind of questions that we are considering and are discussing. It will be convenient, probably, for everyone to have that, and I have a note here of one or two of the most obvious ones. Of course, the first and most obvious question is the question of finance. The finance of Burma has considerably affected the finance of India, and there will be views, no doubt, as to what sort of financial settlement should take place on their separation. Obviously in this Committee

we cannot go into any details of that, because it involves very long calculations by experts, which would take the experts alone a long time; but we might be able to lay down some principles. I do not know what the feeling of the Committee would be, but my own feeling would be that in view of the generous gesture that was made by the Conference in accepting the separation of Burma so freely we might be able to part and remain good friends, both countries when they are separated, and that possibly the financial business might be settled without a long discussion of a debtor and creditor account possibly by starting with a clean slate from where you were; but that will be a matter on which I think this Committee might quite properly make a recommendation as to the sort of principle that should be followed. The Committee that will be set up to consider finance will probably have to be a committee of experts, and no doubt, when the time comes, there might be attached to that Committee representatives of the Indian Legislature on the one side and of the Burmese Legislature on the other, in order that everybody might be satisfied that the case had been fully presented, and that, when the settlement was come to, both countries might accept it willingly and in good part.

Then, of course, there is another question which it is perhaps not for us to consider, but on which a recommendation from this Committee would be useful, and that is the framing of the new Burmese constitution. It has been generally understood, I think, that Burma is to have a new constitution and that that constitution will have to be settled by some sort of conference, probably following this Conference.

There are two suggestions at least which have been made in regard to that. The suggestion which was made in the full Committee was that there should be a conference in London in due course, which representatives of Burma would attend, similar to the present Round Table Conference, but of course on a much smaller scale, where this new constitution could be discussed and settled. It is obvious, of course, that India would wish to be represented on that Conference to some extent, no doubt, in regard to questions that would arise; and the alternative would be to send out some sort of Commission to Burma to discuss the matter on the spot. I do not know whether the Committee would feel that that would be necessary, or that it would be convenient. It would probably be a much longer process. It might involve hearing a great deal of quite unnecessary evidence, and it might be that the matter could be settled here equally well; but that will be a matter which, no doubt, will be a subject for discussion. I think that probably that might be the first subject for discussion but that will be for the Committee to decide.

Then, of course, there is also the question of the defence of Burma after the separation. That will be a matter, again, not for this Committee to settle, obviously, because it involves military questions, and the military experts would have to be consulted, and their advice, no doubt, would have to be very seriously considered;

but this Committee, there again, might, no doubt, consider the principles that are possible—whether Burma would raise its own army, whether it would make terms with India and employ some Indian regiments, or in what other way the defence would be settled. We might possibly arrive at some conclusion as to what would be satisfactory to both countries; but it is obviously one of the questions on which we might, I think, make some recommendations and which obviously has to be considered before the separation becomes effective.

Then there are, of course, a good many administrative arrangements to be made. Those are perhaps not really matters of principle so much, but there may be some consideration of them required. I am not sure whether everyone realised, when we agreed to the separation of the two countries, what such a separation involves. It involves, of course, that you have to consider whether the laws of the country you are leaving will go on applying to the new country of Burma, or whether you will have to make new laws of the same kind, or whether for the time being you will adopt those laws as the laws of Burma, and then change them at your leisure. Obviously, there are a lot of things of that sort that will have to be considered.

Then, of course, there is the question of navigation and of the Port of Rangoon, and the question of railways, and of posts and telegraphs. All sorts of things of this kind that arise on separation will have to be considered as part of the necessary adjustments which have to be made when one country separates from another.

There is another question on which this Committee might very properly make a recommendation, and that is this. Ultimately, when the new Burma constitution is framed, and when Burma becomes a separate and independent unit, whether it will remain under the Secretary of State for India, or whether it should be placed under the Secretary of State for the Dominions. That is a question on which this Committee might quite properly express an opinion; and it may be that although one course would be the more technically correct course, the other might turn out to be the more convenient.

Those seem to me generally the sort of questions for discussion, and all I want to ask the Committee to do to-day is to express an opinion as to whether there are other questions that should be added to those, and whether the sort of time of meeting that I have suggested for next week will be convenient to take up those questions, or if there is any one of them that you would like to discuss this morning.

Mr. H. P. Mody: May I make a preliminary observation. You were quite right, my lord, in stating just now that it is not open to us to question the principle of the separation in view of the decision which was arrived at by the Committee of the whole House. That is perfectly correct; but what is the position of those like myself who did not acquiesce in that decision? I do not wish to be understood as saying that I am against the separation of Burma.

All that I wish to point out is that I have not had sufficient opportunity for making up my mind about the question. The whole question was disposed of in a few minutes, and my position would be that I would like to consider the question. However, it is not open to me in this Committee to consider that question. Well, what I want to know is, because I am here and am going to take part in the deliberations of the Committee, am I going to be estopped from raising that question again either in the open Conference or when we meet again in the full Committee of the Conference? I only want to safeguard my own position, and I wish it to be understood that because I take part in your deliberations it must not be understood that I have acquiesced in the principle of the separation of Burma. I keep an entirely open mind on the subject, and I wish to be understood in that sense. That is the only point I wish to make.

Chairman: I do not think your position will be prejudiced by your taking part in the deliberations here, but whether you could be allowed to raise it again in the full Committee would be a matter for the Prime Minister to rule upon. I should have thought that probably you could not, but you might be allowed to raise it in plenary session when the Committee reports to the plenary session. I rather doubt whether you would be in order in raising it again in the full Committee.

Lord Peel: I should have thought the only occasion was in the plenary, when the full Conference sits.

Mr. Foot: I think a grievance undoubtedly exists—the grievance that a matter affecting 12 millions of people upon the one side, and India upon the other, should have been dealt with in a way that may be considered as being casual. There was no assurance the other day that it was to be on the agenda for discussion at that time. Some members of the larger Committee thought that the time might have been occupied upon other subjects, and suddenly, because those subjects took such a little time, we were confronted with the problem of Burma. For myself, I am entirely in agreement with the conclusion that was rather hurriedly arrived at, but at some time or other obviously there ought to be a fuller consideration of a matter so important, so vital to those who are concerned; and it would be a pity, I think, my lord, if that had to go back to a plenary sitting of the Conference and if we could not obtain some authority for the consideration of that question. Obviously this is the best Committee to deal with that, and one does not like to leave outstanding questions, and would it not be difficult if we proceeded upon the framework that you yourself have laid down when, at the back of the minds of many here, there might be the very well-lodged grievance that the whole question has received hitherto too casual a discussion altogether? We are not bound, of course, by rules and regulations and by orders, as we are in Parliament, and I should have thought that in spite of the answer that was perhaps very quickly given by the Prime Minister at that time, if it were the wish of this Committee that that subject should be

discussed the convenience of the whole Round Table Conference would be served by being given authority for that purpose.

I am quite sure that time will be saved in that way, because since the questions was raised at the Conference we have had representations made to us. They may not have a very serious ground, but they are representations which those who make them ought to be assured have been taken into consideration. It would be a very great pity if we arrived at any decision that is going to leave a grievance; and that grievance can be best met by an assurance that the matter has been considered in all its aspects. If I may make the respectful suggestion, I would suggest that there might be a conference between myself and the Prime Minister upon that, so that if there is a desire on the part of this Committee at some stage or another to look at the general question, we should be enabled to do so. I feel satisfied, otherwise, that although we may be able to deal with all the subsidiary points arising if we have then to report to the Conference itself that a substantial number of the Committee although agreed upon certain subsidiary points, still think that the whole question of separation needs a fuller discussion than has been given to it, time would be saved by a Committee being appointed for that purpose.

Chairman: May I tell the Committee my own views on Mr. Foot's suggestion. Mr. Foot will remember that, after all, every member of the Conference has been considering for a year at least the question of the separation of Burma. It is not a new matter to those who discussed it in the Conference. It is mentioned in the Simon Report; it is mentioned again in the Despatch of the Government of India, and speaking for myself, and judging from the attitude of the Conference the other day, I should have said that the majority in favour of separation was overwhelming; I should have said that there was a barely perceptible minority; and I really do not think that this Committee could take up that question of principle, because that is a question of principle which can obviously only properly be settled by the full Conference. You must have all the interests represented, I think. I do not think a small Committee like this could discuss such a question of principle. The only thing that the Committee might do—and I hope they will not consider it proper to do so—would be at once to refer back to the Conference the whole question, and say we wanted a fresh discussion on the separation of Burma; but in view of the overwhelming majority I am inclined to think that that would hardly be a reasonable thing to do. I am inclined to think that those who were opposed to the separation were a very small number of the whole Conference.

U Aung Thin: After what the Chairman has said as to the subject of separation having been before the public for such a long time, for over a year, and the fact that there was no indication on the part of the British Indian delegates to take part actively in the discussion, shows that they are either in favour of separation or that they have no particular objection to raise against it. The

Prime Minister as Chairman has given ample opportunity to the Conference to contribute their views on the subject, and he was really quite right in saying that the general opinion of the Conference was in favour of separation. If this question were to be re-opened we, the Delegation from Burma, would certainly oppose it *en bloc*.

Raja Sher Muhammad Khan: I quite agree with my friend U Aung Thin. You will remember that the discussion on the first day was opened I think by the Princes and by the British Delegation and there was every sympathy with the separation of Burma. As U Aung Thin says, everybody was agreed by an overwhelming majority that Burma should be separated. But I do not agree with Mr. Foot that we were suddenly confronted with the question. I have had long talks with some Indian friends before this question was opened and, as I say, I could see that all the British Delegation was in favour of the separation of Burma; so I do not think that the question suddenly confronted the British Delegation or the Princes.

Chairman: Do you mean the British Indian Delegation?

Raja Sher Muhammad Khan: Yes, the British Indian Delegation. As it has been agreed by the Princes and the overwhelming majority of the British Indian Delegation, I do not think it would be desirable to raise again the question of the separation.

Sir B. N. Mitra: I do not agree with Mr. Foot's suggestion and I do not think we can go so far. Perhaps in the other Committees too there are people who do not wholly accept the principle. If Mr. Foot's suggestion is accepted something may happen in almost every Committee; that is to say, they may say; "Before we proceed to discuss the details of the terms which we have been called upon to consider, we want a further discussion of the main principles"; and no Committee could go on doing its work. Therefore, I submit, that while the Committee goes on doing its work and we with it, those who do not accept the principle of separation may make, in signing the Report of the Committee, that qualification to safeguard their position. Then they may be allowed again to raise the question of principle in the Plenary Session where alone it can be discussed.

Lord Peel: Is it not the case that all the discussions were to a certain extent of a provisional nature? I thought that was given out by the Prime Minister himself, and that no really final decisions were arrived at. I was myself a little surprised that there was no more discussion on the Burmese problem. But I certainly did gather, as one does from the feeling at a big meeting, that there was an overwhelming opinion in favour of the general principle. Perhaps, I am a little biased myself, for I formed my own opinions some time ago on this question. Therefore, perhaps, I am not so much open to argument as others. After all, I think that general decision was provisional. All the details are going to be very carefully considered, I understand, in Committee, and surely the difficulties that, for instance, Mr. Mody feels can all be brought

out. If Mr. Mody is opposed to separation, he is opposed to it on certain grounds. Surely, all those grounds will be discussed in the course of considering these questions which you have outlined to us Mr. Chairman, will they not? It seems to be perfectly open to any members of the Committee to raise their points. In my own case I happen to have gone into a good many of these grounds before. Surely, when we are discussing the question, important reasons will emerge which may, to some extent, alter the opinions of some of these gentlemen when they have gone into the matter; and they might find themselves then in favour of separation. There are certain practical difficulties which will come up and which will have to be considered when they do come up, and gentlemen like Mr. Mody will have every opportunity without going into the question of principle. This sub-Committee has to report, I suppose, to the Plenary Committee?

Chairman: We will report to the Plenary Committee.

Lord Peel: That being so, I should have thought that in the course of these detailed discussions all the questions of principle and their application would be discussed.

Chairman: I might tell Mr. Mody that we have said, on behalf of the Government, that we were going into this Conference with an open mind. The question of Burma was one on which it might have been very easy not to have had an open mind, but to have followed the Simon Report without further consideration. But I did, in fact, keep an entirely open mind because I was prepared, if there appeared to be strong British Indian opposition, to consider that opposition very seriously to see whether it was justified and whether it could not be met. There were obvious reasons given in the Simon Report, geographical, ethnical, and so on, for the separation. There were obvious difficulties also, chiefly, I imagine, financial ones, in connection with separation. I do not know whether Mr. Mody's attitude is that there is nothing in the terms of separation that would satisfy him or whether it is the principle of separation that he is opposed to; but he will have ample opportunity of bringing his suggestions forward here if they have anything to do with the terms of separation. It may be that when terms have been arrived at he may not be opposed to separation. But if he is opposed as a matter of principle, I think his right is an obvious one to bring the question up when the main Committee reports to the Plenary Session. I do not hold out much hope of his getting support from the Plenary Session.

Mr. H. P. Mody: May I say that I am not opposed to separation. My whole point is that I am not in a position at the moment to say whether I shall agree to separation or not. I did not acquiesce in the decision and I did not want to say anything about the decision. I did not say a word for the simple reason that I thought it was not right, as a member of the Committee, to question the decision of the whole Committee. But since so much has been said I would like to tell you that we were rushed into that decision,

We have been here for weeks deliberating upon various questions and I say that we have not arrived at a single decision of any importance. The one decision of importance that we did arrive at was arrived at in 20 minutes or, it may be, less than 15 minutes. I remember a member getting up and asking at one stage whether the question of the separation of Burma was an open question and the Prime Minister said it was not. It all happened in a few minutes. I only wanted to make my position clear. I did not know whether I should be regarded as being *estopped* from raising that question again when we come into the full Committee.

Chairman: Mr. Mody will be perfectly within his rights in raising the matter when the time comes, if he thinks he ought to go into it.

Mr. Mody: Then the position is that we shall be allowed to discuss it?

Chairman: In this Committee?

Mr. Mody: In this Committee.

Chairman: Not in this Committee. In the Plenary Session I think it is obvious that anybody can discuss it again.

Raja Sher Muhammad Khan: We can discuss it on the report, I suppose?

Earl Peel: Was it not the general ruling of the Prime Minister that all these things must necessarily be provisional?

Chairman: Not only are they provisional, but they are to be reported, and on the report they can be objected to.

Raja Sher Muhammad Khan: Then on the report anybody can discuss these matters?

Chairman: Quite.

Mr. Mody: Your Lordship cannot give a decision here? That will rest with the Chairman who presides at the Plenary Session?

Chairman: Quite. I can tell Mr. Mody that according to our ordinary rules of discussion he will be fully entitled to raise the question again in the Plenary Session.

Lord Peel: And Mr. Mody's speech would be even more powerful than it otherwise would have been?

Mr. Foot: As far as I have been able to consider the matter, and of course I have not had the opportunities that some have had, I think the arguments for separation are overwhelming? My only concern is that when it is done, after so many years of association, it should be done in such a way that those who are opposed to separation in Burma might have the satisfaction of knowing that it was done gravely and deliberately and after full consideration.

Mr. Mody: That is the whole point.

Chairman: I entirely agree with Mr. Foot. There is one other matter that I did not mention and that is the protection of minorities. That is a matter of principle that we ought to discuss. It does not happen, fortunately in Burma in the same way as in

British India. But the whole point of Indians in Burma is a matter of principle that we ought to discuss. There may be others that I have omitted. I propose to circulate before our next meeting a list of the heads that have to be considered by the Committee.

Mr. Foot: Would the question arise, as one of the heads, as to whether the link between this country and Burma was to be through the Viceroi or through the Governor-General? That would be under the heading of the new constitution. It is raised in the Simon Report, you will remember.

Chairman: Yes.

Mr. Foot: The question is raised there, with the arguments for and against.

Chairman: That is one of the things, no doubt, we might raise.

Mr. Foot: Would it be under a separate head? It might not come under the framing of the new constitution, which could cover anything.

Sir B. N. Mitra: Would it not come under the head of who would be the head of the Executive in Burma?

Chairman: Who would be the head of the Executive in Burma and what would be the channel of the relations with the British Crown.

Mr. Foot: That would be a subsidiary question, of course.

Chairman: Of course, I shall not rule anything out which is germane to the terms of reference in any way and I shall be glad if anyone will suggest any other matter or any other head that ought to be included in the heads.

Sir B. N. Mitra: May I say a word about the procedure you have outlined? It seems to me that this Committee can do very little on the matters with which I am largely concerned, financial, or fiscal, or even Indian Labour in Burma. Those would be matters, as I think your Lordship suggested, for settlement between the Government of separated Burma when it comes into existence and the Government of the residual India when that comes into existence. In fiscal matters there must be negotiations which will hereafter have to be conducted by the Legislatures of the two countries. In regard to labour, action of a somewhat similar character will have to be taken. Therefore, I am rather at a loss clearly to visualise what we are going to do in regard to those particular matters.

Chairman: Yes. I did not mention fiscal matters. Of course, as an old free-trader myself, I very much dislike to see new Customs barriers set up between two countries which have not had one. But I am told by those who know that India and Burma are not likely to agree to be in the same Customs Union or not to have some sort of tariff. That will be a matter, as I say, for probable negotiation between the two different governments when they are established, in the way that other countries negotiate about Customs duties.

Personally, I should much prefer to see a free trade nation remain a free trade nation.

Rao Bahadur Srinivasan : I do not know whether immigration to Burma would be one more heading.

Sir B. N. Mitra : That, again, is a matter for the two governments to settle when they come into existence. That is what I meant when I mentioned Indian labour in Burma. This Committee may very tentatively deal with the position of Indian labour in Burma once it goes there. But this question of immigration will have to be settled, perhaps, on the lines of the arrangement now prevailing in regard to the emigration of coolie labour—if I may use the word—from Madras to Ceylon and other places. That will be a matter for settlement between the two governments after they have come into existence.

Chairman : Yes. Still, of course, we might make recommendations as to free passage of the subjects of one country into another, and things of that sort. We may make recommendations about them.

Sir B. N. Mitra : It does not exist at the present moment. I am prepared to say that if we consulted Sir Charles Innes he would probably ask us to leave the matter alone for the moment.

Rao Bahadur Srinivasan : It will be brought in later on.

Sir B. N. Mitra : Yes, for the two governments to consider. We cannot lay down the law for the two governments.

Chairman : Quite true, we cannot; but we might suggest certain large principles. Whether they are adopted afterwards or not is another matter. As I said in my opening remarks, I am very anxious that the separation between Burma and India should be an entirely friendly one, and that the relations between the two countries should continue on an entirely friendly basis, as friendly after separation as it was before; so that they should work together.

Sir B. N. Mitra : I fully share that hope. Unfortunately I feel that it will end up in a pious wish, for the simple reason that India will want money. I am talking now about what we call the fiscal portion of it, if India is going to lose money in connection with the excise. Sir Walter Layton himself said that will probably have to be done in regard to petroleum, and India will miss the tariff on imported petroleum.

Chairman : Of course it is possible to have customs tariffs and agreements about tariffs without quarrelling about it. You need not fall out with another country because it wants a customs tariff for its own purposes. What I am anxious about is that the feeling between the two countries should be and should continue to be as good as possible, and that everything should be settled with a desire for good will and for working well together.

Mr. O. de Glanville : It would very much accentuate the friendly feeling between the two countries if this Committee endeavoured to avoid, as far as possible, settling anything in the nature of a constitution for Burma. The people of Burma undoubtedly do feel

and will feel that they are the people who must be consulted first. As regards the Indians in Burma they are the people who best know what protection they want. I think it would be foolish and unwise of us to lay down even general principles on points about which many people here are imperfectly acquainted. The suggestion will come from us at a later stage that, on the Conference which meets here, Indian interests and all the minority interests shall be fully represented; so that every minority will have an opportunity of representing its case. As I said it would be unwise for us in any way to fetter the Home Government or the Indian Government by premature recommendations when we have not the full facts on which to base them.

Chairman: Of course, it is no part of our duty, under our terms of reference, to draw up a constitution or even a skeleton constitution for Burma. If we get into any danger when we come to those matters of going too far no doubt you will call attention to it.

Sir B. N. Mitra: Mr. de Glanville has practically reinforced my remarks. If we were to give advice about the financial settlement, it might be the sort of advice that was likely to be resented in India and also in Burma, perhaps. The same is true in regard to fiscal questions and matters connected with emigration and labour. As I say, Mr. Glanville has reinforced my observation that these things will have to be left for settlement between the two High Contracting Parties when they are High Contracting Parties.

Mr. Mody: Unless we have some sort of assurance, and we want an assurance of some sort, as to the main principles on which separation is to be effected, how is it possible for any one of us to give consent to separation. While it may not be open for any body to raise the question again in the full Committee, it will certainly be open to do so in the full Conference. The Committee, of course, is not the Conference. Therefore, my feeling would be entirely to agree with you, Mr. Chairman, that we must give an indication in a general sort of way of the main principles on which the separation might be effected.

Chairman: Let us find out, when we come to discussing the actual subject, where we are and what our views are. You see that we are to consider the nature of the conditions which will enable Burma to be separated from India on suitable terms. It does not say that we are to consider the suitable terms; we are to recommend the best way for securing this end. When we come to each subject, I think we had better take them one by one and see where we are. It is rather difficult to deal with them now in a general discussion.

Sir B. N. Mitra: Mr. Mody cannot, in regard to the big general principle, commit his friends in India; because that, again, will be a matter for the Government of India at the time and for the government and people of Burma. He is looking forward to a sort of popular government in Burma, and to a sort of popular government in India. I, therefore, entirely agree with his remarks. I think at the full Committee I agreed rather with the Marquess of

Reading, and I am not sure what the functions are to be of this Committee.

Chairman: I have no desire to extend its functions at all. I agree that we shall have to limit ourselves to generality and not go too far also in regard to them. I am hoping that we shall conclude our labours next week.

Lord Peel: That seems to be a very satisfactory suggestion. I think that we are a little too nervous about details and advice, and about giving advice at all. If we give advice it may not be taken; it very often is not taken. But I do not think that should prevent us giving our views quite freely without going into details. The details of any sort of convention between the Indian Government and the Burmese Government about tariff duties have to be considered by them very minutely. We are going to consider the matter here in such a way as to enable those to whom we report to arrive at a conclusion. I am extremely interested to hear that the Chairman is a free trader but I was only hoping that, as Under Secretary of State for India, his free trade feelings were not outraged by the views held in India on these questions of protection.

Raja Sher Muhammad Khan: If we are not to discuss financial, fiscal, and other questions, but must leave them to the Government of India and the Government of Burma, what is the use of this Committee?

Chairman: I think we had better wait until we come to each question and then see where we are. Any advice tendered by this Committee need not be taken, as Lord Peel said. The whole question as far as those who are responsible for framing the constitution and carrying out the relations between the two countries afterwards are concerned will stand in the same position as the Simon Report. The Simon Report is there for anybody to see.

Sir B. N. Mitra: Our position is different. We are having a Round Table Conference and we may discuss questions. The Simon Commission was simply asked to report. Our function, as I understand it, is something higher than that.

U Ba Pe: The function of this Committee, as I understand it, is to find out ways and means for giving proper effect to the separation. It would seem that we must provide machinery for that. We should not go into details but simply suggest the machinery for the purpose. That we can do by suggesting that the matter of finance should be left to the Governments concerned, with the advice of experts if necessary. We need not go into details on the point.

Mr. Foot: Our business, as far as I can see, is to ascertain what questions have to be answered and what difficulties to be faced. It is not for us to find answers in many cases or to solve difficulties. The ascertaining of the questions to be answered will be a very important function for us to perform.

Chairman: Yes, I think that is very largely true.

Mr. Foot: I think we shall find enough to do before we have finished on Wednesday.

Raja Sher Muhammad Khan : When Burma is separated it will not allow Indians to go in.

Sir B. N. Mitra : Even now there are difficulties I know.

Mr. O. de Glanville : The only tax is that levied on passengers into Burma.

Sir B. N. Mitra : I have myself visited Burma and have not been charged a tax. I am referring to coolie labour going in.

Mr. O. de Glanville : The money is used for the development of Burma.

Sir Hubert Carr : It might lead to wholesale migration.

Mr. O. de Glanville : The tendency is to keep the Indian there and not to keep him out. There is one other point, namely, whether this Committee will consider it within its province to suggest to His Majesty's Government through the Conference that there should be, if Burma is separated, a declaration made as recommended by the Government.

Chairman : That is one of the questions that I have put down already. Of course a declaration can only be made after the Plenary Conference.

Sir B. N. Mitra : And even then it will have to go through Parliament, will it not?

Chairman : No, I do not think so.

Mr. O. de Glanville : The pledges were not given by Parliament.

Lord Peel : It was, presumably, included in the Act of 1919. I suppose that one being Statutory the other is.

Chairman : A declaration will not require the assent of Parliament.

Sir B. N. Mitra : I do not know the procedure here, but a declaration which amounts to an amendment of the Government of India Act would require the consent of Parliament, I take it.

Lord Peel : I think Lord Russell was thinking of something else—not of an Act of Parliament but a declaration.

Chairman : I think what is desired is that His Majesty's Government in this country should announce that they have accepted the decision of the Conference on the separation of Burma and that the necessary steps should follow. That is what you want is it not?

Mr. O. de Glanville : No. We want something more than that. There are declarations by Parliament, by the Viceroy and others and by the Government that the ultimate goal is responsible self-government. Those promises have been given to India, and Burma is nervous that if she is separated she can be told by those interested: "All these pledges do not apply to you." It has been pressed for that a declaration should be made that it does apply to Burma just as much whether she is part of India or separate.

Chairman: You, I understand, want that included in the declaration.

Mr. O. de Glanville: Yes.

Sir B. N. Mitra: That would clearly be a Parliamentary declaration.

Mr. O. de Glanville: An announcement by the Prime Minister.

Chairman: It is not a Parliamentary declaration; it is a declaration of what the Government intends to do.

(The sub-Committee adjourned at 12-20 p.m.)

PROCEEDINGS OF THE SECOND MEETING OF SUB-COMMITTEE NO. IV
(BURMA) HELD ON 8TH DECEMBER 1930.

Chairman: You have had circulated to you the draft resolutions and if you think the matters can be usefully discussed, I think we had better take them now. The first resolution is "that the Committee ask His Majesty's Government to make a public announcement that the principle of separation is accepted and that the prospects of constitutional advance held out to Burma as a part of British India will not be prejudiced." I do not know whether anybody wants to say anything on that.

Mr. Mody: What does that mean? Does it mean that we are not to say anything about the sort of constitution that Burma is to have?

Chairman: I think that will be a matter for the Burmese Conference to settle. I do not think we are concerned with that.

Mr. Mody: You will probably at the end come to a conclusion about the advisability of the separation of Burma. It will be very difficult to come to any conclusion unless we know the sort of constitution Burma is likely to have. There is a passage in the Government of India Despatch that certain definite declarations should be made with regard to Burma. This seems to me the proper time at which that might be considered.

Chairman: Yes. So far as the declaration is concerned I have a form of words here. That was raised here last time and I have a form of words which I think would meet the position. The form of words I suggest is "That the Committee ask His Majesty's Government to make a public announcement"—that of course would be after a Plenary Session of the Conference had approved—"that the principle of separation is accepted and that the prospects of constitutional advance held out to Burma as part of British India will not be prejudiced by separation". I think that is as far as the Committee can go. We cannot go into the details of the constitution, that must be a matter for Burma to settle.

Mr. Mody: That may be, but I think something more is needed than the words you have just read out. After all, those words do

not go as far even as the Government of India Despatch. The Government of India Despatch said it must be plainly declared that the constitution would be related to the various pronouncements of policy made in 1917 and 1919 and so on.

Mr. Foot: There is a statement in the Government of India's Despatch, and in the Despatches from Provincial Governments, there is a passage which I think I might read in paragraph 7 of page 240. It covers the point as far as I can see, and this is endorsed, as Mr. Mody said, in the Government of India Despatch. The passage to which I refer in the Despatches from Provincial Governments reads:

“ It is of great importance that it should be made clear beyond all possibility of doubt or question that the separation of Burma will not involve for Burma any departure from the statement contained in the preamble to the Government of India Act, 1919, that the objective of British policy is the progressive realisation of responsible government in British India as an integral part of the Empire. As the Commission say, that statement constitutes a pledge given by the British nation to British India. When the pledge was first announced in August, 1917, Burma was a part of British India. The pledge, therefore, was given to Burma as well as to India, and even if Burma is separated from India, the pledge **still stands for Burma unimpaired and in all its force.** The Government of Burma could not possibly agree to separation on any other terms, and they trust that His Majesty's Government will see fit to set at rest any doubts that may still exist on the subject by the wording of the terms of reference to the Commission. They attach importance to the point, for the allegation is frequently made in that section of the public press of Burma which is opposed to the recommendation of the Statutory Commission that the British Government will seize the opportunity of separation to reduce Burma to the status of a Crown Colony.”

That is the passage endorsed by the Government of India. The procedure contemplated is that if separation is agreed to there shall be set up a Commission, and that that Commission should go into the various matters and should indeed be the Commission for the setting up of the constitution. It was contemplated that the Committee should consist of Members of Parliament. It was discussed whether that Commission should include members of the Burmese Government as well, but the point was that the interests concerned could best be dealt with by representatives of the Commission set up. The only way the constitution could be dealt with would be by the setting up of a Commission in some form to be decided later.

Sir B. N. Mitra: The point is that the prospects of Burma for constitutional advancement are to remain unaffected. That is brought out in the passage quoted by Mr. Foot. That being so if we simply affirm that the prospects held out remain unaffected, the point would be met.

Chairman: I think that the draft resolution I read out does exactly meet the point. The prospects of Burma will not be pre-

judiced by separation. I think that exactly meets the point. If you look at Clause 90 of the Government of India Despatch you will see it is suggested "that an announcement should be promptly and publicly made that the policy of separation of Burma from British India has been approved, and that consideration will at once be given to the question of the new constitution of Burma". Does not the form of words I have read cover the point raised? The position of Burma is not to be prejudiced in any way.

Lord Peel: Surely the statement which the Chairman read makes it perfectly clear.

Chairman: If we all mean the same thing it is only a question of words. I should have thought this form of words which I have read covers in terms what you mean.

Mr. Foot: Would it meet the point if instead of "unprejudiced" you used the word "unaffected"?

Chairman: The form of words proposed is "that the Committee ask His Majesty's Government to make a public announcement that the principle of separation is accepted and that the prospects of constitutional advance held out to Burma as part of British India will not be prejudiced by separation". Does not that cover the point?

Mr. Mody: It covers the point, but I do not think it is as precise as the Government of India Despatch. That Despatch says:—

"When the announcement of August, 1917, was made, Burma was, as it now is, a part of British India. The progressive realisation of responsible government was promised to Burma equally with the rest of India. It is important that the pledge then given should be reaffirmed to a separated Burma."

My point is that there should be a clear reaffirmation.

Chairman: I should have thought myself that nothing could be clearer than this. The position of Burma is not prejudiced. That means that it stands at least as well as it did.

Mr. Mody: If the rest of the Committee are satisfied I have nothing more to say.

U Ba Pe: It is clear that if separation is carried through, the Burmese people should have a guarantee of the status which their Government should occupy.

Lord Peel: After you have got the constitution of course.

Mr. Foot: What was contemplated was that there should be some expression of opinion that would meet the requirements of the Burmese people. Could not that be considered later?

Chairman: We have not settled the status of India yet, or its exact status, in terms.

U Ba Pe: The Burmese status should be the same as for India as India will be.

Mr. Foot: It might not be the same.

Mr. Mody: The Government of Burma, any way, indicated clearly what they had in view when they said it must not be regarded that Burma is going to be a sort of Crown Colony. If I were to take up an extreme position, why should I agree to anything at all on the principle of separation, if Burma is after all going to be a Crown Colony?

Chairman: I think we are all agreed about that.

Mr. Mody: I wanted a clearer definition, that is all.

Chairman: I do not think at this stage we can very well go further than this. This resolution says that everything will remain in force that has been promised to Burma as part of British India. It will not be prejudiced by that, and therefore it will be in at least as good a position as it was before the separation. I do not know whether the Burmese delegates think it goes far enough, and makes it clear.

Mr. Ohn Ghine: I think as far as this sub-Committee goes, it is probably all right, but I think Burma would look for a fuller declaration by His Majesty's Government.

Mr. Foot: And that would not be this Assembly. They were not looking to this Round Table Conference at the time they made that request. They expressly asked that it should be in the terms of reference to the Commission when it should be set up. That is the time to see to the exact wording.

Chairman: Yes, I think you will find full implications of that when you have the reference to the Commission or Conference, or whatever it is that sets up the Burmese Government. Here we are simply saying, "No worse off than we were before".

Mr. De Glanville: What I take it this Committee is doing is asking His Majesty's Government to make a declaration, and that declaration would naturally be more full than this recommendation.

Chairman: I understood that the object was that an early declaration should be made by His Majesty's Government—that is to say, within a week or two.

Mr. Mody: Would not the Plenary Conference, or His Majesty's Government later on, when they appoint a Commission for Burma, look to the recommendations of this Committee for an indication?

Mr. Foot: It seems to me that we shall have to consider the recommendation as to the setting up of the Commission.

Chairman: I am not sure whether we shall.

Mr. Foot: I did not know. I beg your pardon. I thought that would be so.

Chairman: May I take it this way, that we will agree to this provisionally to-day and if you like I will have this resolution circulated to the Committee, and we will consider it again to-morrow and see whether there is anything in the words which needs improving. I think myself that it is quite without ambiguity. Shall we take it that way for to-day?

Mr. Mody: If you please, Sir.

Chairman: Our next one is "Before separation can be effected, a new constitution must be devised for Burma. Should the Committee stipulate that protection must be afforded to the legitimate interests of Indian and other minority communities in Burma?" What other minority communities are there?

Mr. de Glanville: There are Indian, Anglo-Indian, Chinese. On this point I have been considering the matter, and talking with one or two members, and I have drafted a resolution which, if you will allow me, I will read, and which possibly might form the basis, any way, of discussion. It reads as follows:—

"The Committee is of opinion that the legitimate interests of Indian and other minorities must be safeguarded. It is not in a position to advise as to the particular form of protection these interests require. It considers that when the details of the constitution of Burma are being discussed, the fullest opportunity should be given to all minorities and to the Government of India to represent their views and to state the nature and extent of the safeguards they consider necessary. The Committee considers that adequate attention should be paid to the question of immigration of Indian Labour and that provision should be made for the regulation of the conditions of both the work and life of the immigrants and especially stresses the importance of there being no discrimination as regards Indians entering Burma."

I think that all the Burma Delegates would agree to something of this nature, and I think that public opinion in India and among the Indian delegates requires that there should be some recommendation of this kind from the Conference.

Chairman: "The conditions of both the work and life," I suppose, means something corresponding to what the Government of India do in Ceylon.

Sir B. N. Mitra: That is right, in Ceylon and Malaya.

Chairman: Discrimination as between whom?

Mr. de Glanville: As regards Indians and others entering. I will ask Sir B. N. Mitra to explain that. I put it in after consultation with him. The idea is that if there is to be any legislation excluding, say, coolies or paupers, it should not be directed at Indians only; it should include all coolies and all paupers. If, for instance, there is a tax on people coming in, it should be on all people coming, and not only on Indians. If we legislate and say that a man is only allowed in if he has work to come to, or must have so many hundred rupees when he lands, that must apply to all immigrants and not only to Indians. That, I think, is what is intended.

Sir B. N. Mitra: That is what is intended.

Mr. de Glanville: I would leave Sir B. N. Mitra to explain that.

Sir B. N. Mitra : I think you have explained quite correctly my intention when I agreed to this form of words.

Mr. Mody : I suppose that this includes commercial as well as political interests.

Mr. de Glanville : Yes, it includes everybody.

Mr. Mody : • It means both commercial as well as political status?

Mr. Foot : What is recognised there is that the Government of India is to be able to express its opinion. That is in accordance with the Government of India's Despatch when it says that "the Government of India could not therefore disclaim all concern in the framing of a new constitution for Burma, and we would expect that in the process of enquiry Indian opinion would be given adequate opportunity to be heard on all matters touching Indian interests in Burma". I gather that this had regard to that passage.

Chairman : That is what I said last time—that obviously in framing the Burmese constitution the Indians would be interested to the extent of seeing that the minorities were protected and their minority in particular.

Mr. de Glanville : Yes, of course, I put in the Government of India there, thinking that the Government of India would be likely to express the Indian view; but of course the best people to say what is required are the Indians in Burma, so I want both to be heard, and it was therefore drafted in that form.

Sir B. N. Mitra : Of course, there are both classes in Burma—the Indians in Burma and the Indians in India who may have business interests in Burma, and the second class would not make direct representations to the Government of Burma, they would make representations to the Government of India who, after considering their views, would express their views either to the Burmese Government or to the British Government.

Chairman : Labour immigration is practically free in Burma, is it not?

Sir B. N. Mitra : Yes, practically so.

Chairman : So that any legislation of that sort, however general in form, would really be dealing with Indian immigration of labour, would it not? I was thinking of a case of this kind. Suppose the Burmese Government thought that for various reasons—there may be a great many reasons—not so many were wanted in any particular year, and wanted to limit the number, would that be considered discrimination as regards Indians entering?

Sir B. N. Mitra : If the Government of Burma were allowing the free entry say, of Chinese labourers, and restricted the entry of Indian labourers, that would undoubtedly be discrimination, but so long as they passed statutory rules or legislation that the entry of labourers into Burma should be restricted, it would be all right.

Mr. de Glanville : Apart from Indian labour, at times there is a very large influx of Chinese labour. We import them largely

into places where we have mines. It is almost entirely Chinese labour in those parts. We have Chinese labour coming up from Penang to work the ships.

Lord Peel: But am I wrong or not in saying that most of the labour that comes to work in the paddy fields is Indian?

U Ba Pe: They are Indians.

Lord Peel: The Chinese immigration is important in certain lines, but it does not affect that particular class of immigration, does it?

U Ba Pe: No, it does not.

Mr. de Glanville: I was only raising a point in this connection, that supposing for various reasons the Burmese Government thought that there was too large an amount of Indian labour being contracted for to come over in a particular season, and supposing they said, "Well, it shall be limited to such and such a number"—I will take 20,000—apparently under this the Government could not do it, because you would also have to make some limitation about Chinese labour. It might be that the Chinese labour was doing something different, and you might not want to limit that.

Sir B. N. Mitra: That would be discrimination.

Lord Peel: It would be, but you might want to discriminate, might you not? I am only raising the point.

Sir B. N. Mitra: Indian opinion would undoubtedly object to it. They would not regard it as an expression of good-will on the part of Burma. If you had to pursue that to its logical and furthest conclusion, well, Burma might want to replace Indian labour by Chinese labour. That would not be an expression of good-will.

Lord Peel: That would not, certainly.

Sir B. N. Mitra: Who is going to decide these matters? For that reason we have put it in this general form.

Lord Peel: But I can easily conceive of cases, for instance, we have a good deal, in this country, of Irish labour coming over to work in the harvest. Well, if a smaller number is wanted, if the harvest is bad, notice is sent out to say they may not come.

Sir B. N. Mitra: That is another matter, because immediately Burma is separated I feel sure that there will be an immigration officer in Burma, and he will pass out the notice that no Indian labourer need come in; but all I am trying to safeguard here is discriminatory action by the Government of Burma. The one thing is voluntary; the other thing is what I might call enforced.

Lord Peel: I see; one is done in the ordinary commercial way, and is done sufficiently already. You think the Government need not step in at all?

Sir B. N. Mitra: That is my point—that the Government of Burma must not take any legislative action, or must not pass legislative regulations which will have this effect, as it will show that they are making discrimination, which will immediately destroy goodwill. On the other hand, the immigration officer of

India in Burma will say that there is no employment at the present moment, and therefore Indians should be restricted from coming.

Lord Peel: You mean that the immigration agent would do it, and not the Government. That is what it comes to?

Sir B. N. Mitra: Yes.

Rao Bahadur Srinivasan: There was a good deal of trouble about that. So many laws and regulations were made, and similarly this may happen in the course of time.

Sir B. N. Mitra: As a matter of fact, that is precisely what I had in view. Enforced repatriation took place, which practically means discrimination.

Mr. Foot: This, I take it, my Lord, should be an instruction to whatever authority has to deal with the actual framing of a Burmese constitution?

Chairman: Yes, I understand the whole of these sentences in this resolution to be an indication of what the Committee think ought to be taken into consideration—certain aspects of the case which the Committee think ought to be taken into consideration in framing the constitution. That is really what the effect of it is. They are things that obviously you would have to take into consideration. I do not see any objection to this.

U Ba Pe: This suggestion assumes that the majority in Burma will control the policy of the Government. If the majority does not control the policy of Government, then there is no necessity for special protection of the minorities, because the minorities will be controlling the policy, as at present in Burma.

Chairman: Well, I am afraid I do not understand the last sentence.

Mr. Foot: It assumes a responsible government.

U Ba Pe: In Burma the Indians and other minorities combined, and they are running the whole show there, so what you want is special protection for the majority. If it is a popular form of government, then I agree that the minorities must be protected.

Sir B. N. Mitra: This refers to a new form of government, in which I, for one, hope that the Burmese will have the fullest possible self-government.

Mr. Mody: They do not propose that Burma should be run by Indians. I would like a little enlightenment on these words—"provision should be made for the regulation of the conditions of both the work and life of the immigrants".

Sir B. N. Mitra: Yes, that follows what has been done both in Ceylon and in Malaya.

Mr. Mody: Would that exclude the sort of thing which took place in South Africa, where educational and other tests were laid down for the immigrant labourer, or would it merely mean this,

that so long as the Burmese Government made regulations for all the immigrants, Indian as well as Chinese, no more will be said about it.

Sir B. N. Mitra: The second part really comes in in the last passage—that there will be no discrimination as regards Indians entering Burma; but if the Burmese Government of the future lays down a general restriction that no labourer should be allowed to enter Burma who does not possess certain minimum educational qualifications, I for one do not see how you could stop it. I should certainly object to their having one rule for the Indians and another rule for the Chinese, but to a general rule which the Government of Burma for the future might desire to lay down, I for one, cannot possibly see any objection, and that is the reason I used the word “discrimination”.

Chairman: When they import Indian labourers into Burma, do they import them for the purpose of passing examinations or for the purpose of doing work?

Sir B. N. Mitra: What Mr. Mody was referring to was this. In South Africa you have got the educational test now, and people who do not possess a certain amount of English education will not be allowed to enter South Africa. That is what Mr. Mody is referring to.

Chairman: Yes, but that is because South Africa, as an independent Dominion, is discriminating against Indians, is it not?

Mr. Mody: But supposing an independent Burmese Government discriminated against us?

Sir B. N. Mitra: That is why I put in the last sentence.

Mr. Mody: I quite see the point, but these words, I think, do not carry out that objective.

Sir B. N. Mitra: Why not? They very fully carry it out. The first point is, the labourer enters Burma, and it would be said there should be no discrimination against him. The previous passage refers to the labourer after he has got into Burma. Then there should be a regulation of both the work and life. As soon as there has been an immigration, then there should be regulation of work and life, exactly as is happening now in Malaya and Ceylon, but before he becomes an immigrant there should be no discrimination against him as compared, say, with the Chinese labourer. So the wording there makes it quite all right.

Mr. Mody: Do I understand you to say that while the future Government of Burma cannot discriminate against Indians in the sense that they cannot give them less good terms than they would give to the Chinese; it would be open to them to give them less favourable terms than to the Burmese.

Sir B. N. Mitra: The Burmese are inhabitants of the country. That is the fundamental difficulty. I personally see no objection to their laying down that before anybody comes into Burma he must possess certain fundamental qualifications, be he a Chinese or be he an Anglo-Indian or he an Indian. To that, from the point of

view of the people of Burma, I cannot see any objection, but the Burmese Government of the future must not make a discrimination against the Indians in that matter. If South Africa had laid down a regulation that this applied to everybody, I do not think India would have objected.

Rao Bahadur Srinivasan: I do not think any discrimination should be made between a labourer and any other men, merchant or tradesman, who goes there. If anybody goes there, if he is domiciled he gets the domiciled right, and his children are bound to get the same education as anyone else in Burma.

Mr. de Glanville: But this does not refer to labourers here.

Rao Bahadur Srinivasan: No separate law should be made for that.

Mr. Mody: We should separate the sentence, because the sentence begins with immigrant labour.

Mr. de Glanville: Why not put "no discrimination" up higher?

Sir B. N. Mitra: Well, put a full stop after "immigrants", and then say "The Committee also specially stresses the importance . . ." That would meet Mr. Mody's point.

Chairman: Make a new sentence of it.

Mr. Shiva Rao: I want to suggest that in the very last sentence as regards entering Burma, I should like to elaborate it a bit by saying Indians entering or resident in Burma. I am thinking of the difficulties that Indian labourers in Ceylon had recently with regard to the exercise of the franchise. I think it would be well to safeguard against similar difficulties arising in Burma.

Chairman: In Ceylon you asked for the best of both worlds, did you not? You both asked that you should exercise the franchise as a native, and that you should be protected by the Indian Government as an alien.

Sir B. N. Mitra: What Mr. Shiva Rao says is, "it considers that when the details of the constitution of Burma are being discussed, the fullest opportunity should be given to all minorities and to the Government of India to represent their views". It is really a limitation of that provision, it is not a new provision; and whether this Committee should recommend the limitation of that provision immediately, or leave it to that particular settlement, is a matter open to consideration. I, for one, would leave it to be settled as part of the general proposition.

Chairman: I think you are right. I think "minorities" is fuller. It gives you the opportunity of the minorities in the country being represented and making representations to Burma.

Mr. Foot: And, of course, we have here the really important principle that the Government of India shall be able to make whatever representations are needed on behalf of Indian subjects. It is not that they would be confined to the precise wording, or that they would consider themselves to be within the four corners of

this. They have then got their status and this is simply an indication of where we think the enquiry should be. They will not be bound down by these words at all, and they will make all their representations before the body making the Constitution.

Mr. Ohn Ghine: I should like to suggest that the last paragraph be omitted. I do not believe in forcing the good-will of the Burmese Government by legislation, nor do I believe in tying up the hands of the Government so that it can do nothing. I think it will be sufficient if the point is referred to the Committee set up to draw up the Constitution later on.

Sir B. N. Mitra: I rather prefer to keep the words because they express the views at least of probably all the Indian members on this question.

Chairman: There is no harm in saying that in framing the constitution attention should be paid to this point, and then you can see later whether there are any constitutional provisions to be inserted. As I said the other day—and I think I was a little misunderstood—when I said that our Report in this Committee in a sense resembled the Simon Report, I think it was a little misunderstood, but what I meant was this, that so far as Conference that settles the Constitution of Burma is concerned, this will merely be one of the reports and pieces of advice that is before it, just as the Simon Report is one of the pieces of advice that is before this Round Table Conference. I think it will probably be the most convenient form for everybody that we should consider these resolutions as we pass them for the time being, and bring the lot up together at our last meeting, as a whole, to see that they cover everything. We will have them circulated in time. Subject to that, would the Committee be prepared now to agree to this expression of opinion under head No. 2.

(Agreed.)

Then we might go on to No. 3, "Similarly, there must be a financial settlement. Can the Committee suggest how best this financial settlement should be effected? Does it wish to make any suggestion as to the spirit in which the problem should be approached?"

U Ba Pe: The suggestion given in the Governor of Burma's Despatch was quite good.

Chairman: Could you refer me to the page?

Mr. de Glanville: Each Government should state a case, and refer it to impartial arbitrators. That is it briefly.

Mr. Foot: And they want neutral and impartial arbitrators. It is on page 246 of the "Reforms Despatches from Provincial Governments in India". "It is believed that by correspondence and negotiation between the two Governments, it will be possible to reach not indeed agreement on all the points at issue but an agreed statement of the case, and it is proposed that this agreed statement of the case (or if even this measure of agreement cannot

be reached, the views of the two Governments) should be laid before a Board of neutral and impartial arbitrators." All they are anxious for is that there should be a neutral and impartial enquiry. Assessors can be there representing the opinions of both Governments, and that is probably the clearest way of arriving at a decision. I should have thought that it was open to this Committee to endorse that recommendation.

Chairman: This is the Government of India Despatch, para. 93: "It is clear that the separation of the finances of the country will raise extremely difficult issues, requiring close expert analysis, in the decision of which it will be essential to hold an even balance between what may be conflicting claims. We agree with the local Government that the best method of approaching this difficult problem is to endeavour, by mutual co-operation between the Government of India and the Government of Burma, to draw up an agreed statement of the case for reference to an impartial tribunal. The subjects requiring settlement will be of a technical nature, and will include, besides the normal questions of the adjustment of revenue and expenditure, such matters as the allocation of debt charges and the adjustment of currency arrangements. No constitutional Commission could deal satisfactorily with these questions, for its functions would be entirely different, as also its probable method of enquiry. In arriving at a financial settlement the main point to be considered is the need for satisfying public opinion in both countries that each is being fairly treated. Indian public opinion would watch this aspect of the arrangements very jealously, more particularly the allocation of debt burdens. We believe that a Committee of the Privy Council would be the sort of tribunal most likely to satisfy Indian opinion. Their decisions could be given on evidence placed before them, assisted by expert witnesses, or possibly assessors, from India and from Burma." You will remember that I suggested, as a development of that, that it might be advisable that two or three members of the Legislature of each country should be associated with these experts, just to make sure that the case was properly presented, and really to transmit to the public the fact that everything had been properly done and presented.

Lord Peel: I was not quite clear what that meant, because they talked about experts and it sounded judicial.

Chairman: They did mean a judicial or *quasi* judicial settlement in the end.

Lord Peel: Do they mean judges?

Chairman: I agree that it seems an extraordinary thing.

Sir B. N. Mitra: It is apparently the judges of the Privy Council who would be advised by assessors, and I think the Government of India are correct in stating that only a judicial decision will be really acceptable to Indian public opinion. I do not know much about the public opinion in Burma.

Sir B. N. Mitra: I am told that it will deal with all disputes between Dominions relating to finance and other matters, but I do not know much about it. I have not seen the details.

Chairman: May I read this suggestion to the Committee and see if we are agreed?

“The Committee consider that there must be a financial settlement between India and Burma. The questions are very difficult and technical and the Committee consider that they should be dealt with in the manner recommended by the Government of India in paragraph 93 of their Despatch. The Committee also recommend that when the case has been thoroughly explored by the experts of the two Governments the statements prepared by those experts should be laid before the Standing Finance Committees of the Indian Legislative Assembly and the Burma Legislative Council respectively and that representatives of those Committees should be associated with the experts in the proceedings of the Arbitral Board. The Committee also endorse the view expressed by the Government of India in paragraph 86 of their Despatch regarding ‘the great desirability . . . of adjusting the relations between the two countries in a spirit of reason and mutual accommodation, so as to avoid as far as possible the ill effects which might arise from so great a change in long-established practice.’ They venture to express the hope that all negotiations between the two Governments whether in relation to the financial adjustment or to other matters will be approached in this spirit.”

That I think expresses roughly what we have been discussing.

Sir B. N. Mitra: It leaves the precise agency open. I have no objection to that.

Chairman: Then I take it that is agreed.

(Agreed.)

Chairman: The next head of subject for discussion is No. 4. “Before separation, adequate arrangements must be made for the defence of Burma. Can the Committee usefully make any remarks on this subject?”

Sir B. N. Mitra: I think we can only endorse the statement. The Government of India have passed on the views of the Commander-in-Chief. He says there will be no difficulty. I believe that that is all that is wanted. I for one would not feel competent to make any specific suggestion on the subject. I do happen to have been associated with the Army in India for 10 years, but on a matter of that sort I should hesitate to make any specific suggestion. I think we need only accept the principle and leave it to be discussed separately.

Chairman: What it comes to is that there is no military objection to separation of the two armies. I understand that, but Burma no doubt would have to consider where its army is to be obtained. It might have to enter into arrangements with India for the purpose.

Mr. Mody: Would you not decide that if military defence is to be separate from India that a Committee should be appointed to consider the adequacy of the arrangements made by Burma?

Sir B. N. Mitra: I think we need only subscribe to the statement that before separation adequate arrangements must be made for the defence of Burma.

Chairman: The Committee recognises that adequate arrangements must be made for the defence of Burma after separation but the precise nature of those arrangements must be decided in the light of expert military opinion. I should think you would probably all agree to that.

Sir B. N. Mitra: Is there any objection to adding that it should be decided on the advice of a separate Committee?

Chairman: Is not that all a matter of arrangement by those who deal with it on behalf of each Government? They must decide it in the light of expert military opinion. That I think will be agreed. The military experts will not decide, but the Committee must get their advice before the Committee can decide.

Sir B. N. Mitra: It is not a matter of material importance, but it might satisfy some members of the Committee if you put in that it should be decided on the advice of a separate Committee.

Chairman: A separate Committee of whom?

Sir B. N. Mitra: We do not recommend the constitution of the Committee. We simply follow the Government of India in their recommendation. You may have to put on members of the Legislature themselves.

Chairman: That is after the separation; that is after you have settled what you are going to do in each country; you would then constitute a Committee to co-ordinate. That is a different thing. I think you had better leave it as it is. I do not see at this stage what Committee would be best to settle it.

Mr. Mody: If you are silent about the machinery I think it would be better that you should also be silent with regard to the expert military opinion; if one thing is obvious the other should be obvious as well.

Chairman: "The Committee recognise that adequate arrangements must be made for the defence of Burma after separation but they consider that the precise nature of these arrangements must be decided in the light of expert military opinion." I do not know what other opinion could decide it except military opinion. Of course there are also financial considerations.

Mr. Mody: I suggest that it must be devised by such machinery as may be set up by the two governments. I would rather leave it in those very general terms, if you are not going to commit yourselves to the recommendation of the Government of India.

Sir B. N. Mitra: The Government of India

Mr. Mody: No, with regard to the military defence of Burma after separation.

Sir B. N. Mitra: That is a different matter.

Chairman: I understand the words objected to are:—"In the light of expert military opinion." What does the Committee feel about that?

Sir B. N. Mitra: It does not limit it to expert military opinion. The people who have got to decide it will naturally take into consideration other matters.

Chairman: Of course they will; but I mean obviously the first thing you must say to your Generals is: what do we require to be defended with, how are we to be defended, how is it to be arranged? You must get that first.

Sir B. N. Mitra: I wonder if it is permissible to us to seek the advice of Sir Charles Innes.

Chairman: Certainly.

Sir B. N. Mitra: Then may we ask him if he has any suggestions to make?

Chairman: Sir Charles, you know much more about it than I do.

Sir Charles Innes: Perhaps the best thing will be for me to explain what my own views are with regard to this matter. It is quite obvious—and I think this Committee will be the first to admit it—that none of us here are competent to say what these adequate arrangements for the defence of Burma consist of. It is quite obvious also that those adequate arrangements must be made before Burma is separated; we must be sure of our security. My own view, in which I hope the Government of India will allow me to proceed, is: first, we should have a general commanding the independent district of Burma. I have mentioned that in the Despatch we wrote to the Government of India. We should be at liberty to consult the General Officer Commanding in Burma; we should get his views as to what arrangements should be made for Burma. When we have got his views I also ask that we might send up what the General thought to the General Staff of India for their advice. I have reason to believe that General Staff will be very ready to advise the Government of Burma. I think all the Committee will agree that that is a sensible way in which to approach this problem. If I may say so, it seems to me the very essential point for this Committee to make is that there must be adequate provision for the defence of Burma before it is separated and they must leave the precise nature of those arrangements to be made in the way I have suggested.

Sir B. N. Mitra: Yes; that clears up my mind; the matter is one fundamentally for Burma and not for India.

Sir Charles Innes: We should very much like to have the advice of the General Staff and they are willing to give us advice.

Sir B. N. Mitra: Yes, I accept your form, Sir.

Chairman: I think it has to be decided by the two countries, though Burma is not immediately interested in the North-West Frontier. Will the Committee agree to accept this proposal as I read it.

(*Agreed.*)

“(5) After separation subjects now classed as Central will be administered by the Government of Burma, and preliminary arrangements must be made by the Government of Burma. Can the Committee do more than record the fact.”

Sir B. N. Mitra: Nothing more, Sir?

Chairman: I do not think you can. I have a note here which I think will cover it: “The Committee note the fact that arrangements for the taking over of the administration of subjects now classed as Central in the Devolution Rules must be made by the Government of Burma. The Committee recommend that it should be considered whether, subject to the consent of the Government of India and on terms to be arranged, the Government of Burma should continue to make use of certain scientific services, such as the Geological Survey of India, the Survey of India, the Indian Meteorological Department, and also the Indian Lighthouse Service”.

Sir B. N. Mitra: May I make one observation? I ask you to cut out the Geological Survey of India, I have administered that Department; it was within my portfolio. I know there is a separate section of the Geological Survey for Burma, and if there is any scientific service, in which a clean separation is possible at the present day I think it would be the Geological Survey.

Chairman: It would be quite easy, would it?

Sir B. N. Mitra: Yes, as far as I know.

Chairman: Do not you use the same headquarters and the same place for printing and publishing your records and things of that sort?

Sir B. N. Mitra: To some extent. There is a Director in Calcutta. There is a Burma party which works throughout in Burma; I believe they have now got an office in Burma and records also in Burma. I would not specifically mention the Geological Survey because it might frighten people.

Chairman: I think it might be wiser in this resolution to stop at the words “certain scientific services,” without specifying any of them, because it is obvious that there are some in regard to which it might be wise to continue as at present.

Lord Peel: I suppose in this service there is an interchange of officials between India and Burma.

Chairman: After all, this Committee has only to make very general recommendations; shall we merely speak of “scientific services”?

Sir B. N. Mitra: Yes.

Chairman: Then perhaps we might say: "the Committee recommend that it should be considered whether, subject to the consent of the Government of India, and on terms to be arranged, the Government of Burma should continue to make use of certain scientific services". Then when they get together let them decide which it is wise to combine and which it is wise to separate.

Sir B. N. Mitra: Yes.

Chairman: Will the Committee agree to that provisionally in that form.

(*Agreed.*)

"(6) Does the Committee wish to record an opinion that a Trade Convention between the two countries is desirable?" I should think it is emphatically desirable but it must be a matter for the two governments to decide. Personally, I hope the interchange of goods and passengers between the two countries will be as free as possible; you do not want to hamper trade or commerce by any restrictions. Would this form of words meet the question: "The Committee expressed the hope that it may be found possible to conclude a favourable Trade Convention between India and Burma; they believe that a Trade Convention would benefit both countries and they think it important that separation should cause a minimum disturbance of the close trade connections that exist between the two countries". Is that the view of the whole Committee?

(*Agreed.*)

Then we will put it in that form.

"(7) Does the Committee wish to make any recommendation that His Majesty's Government should make an early announcement on the principle of separation?" We have already had that. That finishes all I have on my paper.

Mr. Ohn Ghine: In connection with item (7) would it be possible to consider the question of machinery to deal with the Constitution?

Chairman: You mean machinery to be set up to form the new Constitution?

Mr. Ohn Ghine: Yes. I have suggested that a Conference should be called.

Chairman: Yes, you have suggested a Conference to be called here, I know; but I am not sure that it is a matter for this Committee or for the Round Table Conference properly speaking, what machinery is to be set up to settle the Constitution of a new country.

Mr. Foot: There have been different suggestions. The suggestion as I understand from you, my Lord, was that there might be a special Commission for the purpose or there might be a Round Table Conference. I should think obviously the Round Table Conference cannot settle the Constitution because that would involve work of a very intricate character. The Round Table Conference can arrive at general conclusions but the framing of a Constitution would require a concentrated effort. I was very interested to see the expression

of Burman opinion upon that and the comments of the Government of India upon it also. If there is a Commission representing not only Parliament but Burma, then upon that Commission different interests must be represented, and that would result in the Commission becoming too large for that purpose. I understand it would not be inconsistent with Burman opinion if there were a Commission of qualified men with every representation that could be made by Burman opinion and by the several interests concerned. But apparently they were so anxious to proceed with the matter that they were pressing that the Commission to be set up should be doing its work in January of 1931. That is contained in a letter of August of last year. Of course that is impossible.

Chairman: That would be sooner than would be possible.

Mr. Foot: That would probably be before the Round Table Conference completes its work. I do not know whether, my Lord, you would consider between now and to-morrow whether that would come within the terms of reference. One does not want to go outside the terms of reference; but surely, if it is going to be discussed somewhere it can with advantage be discussed here rather than in the Plenary Conference outside.

Chairman: Yes; I am not going to shut out a general discussion of it. I can tell the Committee quite frankly that His Majesty's Government have not yet come down on any definite view as to what is the best method; but I do not think there is really any harm in our talking round this Table about the advantages of one course and another; I think it must be a good thing to do so. I myself should rather like to hear from the Burmese representatives present how much minority opinion in Burma is not represented at this Table. I have received, I suppose, in common with everyone else, a pamphlet from people who call themselves the true Burmese or something of that sort, and they say they are against separation.

U Aung Thin: They are a minority.

Chairman: How much of a minority? I do not suppose you would endorse all the violent language which is contained in that pamphlet which was circulated.

Mr. de Glanville: There are a number of politicians and each politician of course, claims that he represents Burma and the other politicians do not. There are a certain number of people who correspond to what is known as the Congress Party in India. Most people in Burma want separation. If you refer to this Memorandum which has been sent in and circulated, you will find there a paragraph in which they say that Burma will never agree to be under a self-governing India. Everybody in Burma is unanimous for separation. These people who say they do not want immediate separation, say this in paragraph 23: "It is true that no one in Burma believes that the Burmese would acquiesce permanently in being governed by a self-governing India, but at this juncture Burma feels more certain that immediate separation is not desirable". Their position is that they wish the Indian to go on fighting the battle of Independence for them. I suppose they hope that

if India succeeds in overthrowing the British Government, they will then have a better opportunity of doing so than if they were separated.

Chairman: Do you mean obtaining independence or overthrowing the British Government?

Mr. de Glanville: One follows the other. They say perfectly frankly what they want. They have boycotted the Council; they boycotted the Statutory Commission; they have taken no part in working the Reforms; and now they come in and make this claim; but they do admit that they want independence and they want separation as soon as ever India becomes self-governing.

Chairman: Then that means they will want it now, does not it?

U Ba Pe: They will agree to separation if Dominion Status is obtained.

Mr. de Glanville: I should like to have an opportunity of expressing our view on the question of this Round Table Conference as against a Commission. Those views I think are important. The Committee will probably remember what happened when the Statutory Commission was sent out to India. It was a Commission of seven Members of Parliament which was to inquire and report to Parliament. That was immediately denounced by a number of people in India as an insult to India and a determination was expressed to boycott it. In order to meet this strong expression of Indian opinion it was decided to appoint a Central Committee to sit with the Simon Commission. A Central Committee was appointed; and in the same way, to pacify feelings in the Provinces, each Province had its own Committee that sat with the Simon Commission. Now it is suggested to repeat that in the case of Burma and we fear that that will cause a great deal of feeling; the cry that it is an insult to India will be repeated in Burma in the form that it is an insult to Burma unless the Committee that is sent out is one composed jointly of Members of Parliament and Burmese representatives. If that is not done we feel—personally I feel absolutely certain—that the extremist party in Burma will boycott this new Commission and we shall be in the state that India is at the present moment. We consider that at all costs we should try to avoid that. We are none of us in favour of a Commission coming to Burma at all; it would have a very unsettling influence on the Province and on the people. The atmosphere for discussing these things is not good in the country itself. We think that by far the best way of doing things is to have a Round Table Conference here, and to invite to that Conference the author of this document and all the leaders of the present Independence Movement. My information, Sir, is that if it is put in that form they will all come. I went into this before leaving Burma with some of the representatives and I was informed by one man who is in very close touch with them that if there is a Round Table Conference here they will attend. It is an opportunity which I think should not be lost sight of. We know that the Viceroy tried to get

the Indian Congress to come here and failed, possibly because it was too late. In the case of Burma it is not too late.

Chairman: You would have them invited by the Government?

Mr. de Glanville: I would have them invited by His Majesty's Government. I would not care how strong they were or how rebellious or seditious they will be; I would invite them. If they refused to come in then, of course, we should have to frame the Constitution ourselves, but I think the opportunity ought to be given to them; I think it is for the peace of Burma that it should be given. I am very nervous as to what may happen if a Commission is sent out which is not a joint Commission; I fear there may be very grave political trouble. I think the interests of the Province are best served by the course we have suggested. We have suggested this after very careful consideration. I first thought it would be best to have merely a Parliamentary Commission but I am now perfectly certain that if a merely Parliamentary Commission, or one run on the lines of the Simon Commission, comes out, it will be boycotted by the extremists in Burma. I want them to come in; I want them to come here if possible to express their views. If they do not agree we cannot help it.

Chairman: How many will that mean?

Mr. de Glanville: I calculate that about 15 would be sufficient to represent all parties.

Chairman: That is quite a modest number.

Mr. de Glanville: Fifteen to come here from Burma. You have not an equal number of British representatives at this Conference but I think fifteen, or at the outside twenty, from Burma would cover every minority and business interest.

Mr. Foot: The Government of Burma regarded fifteen as being the smallest number to represent the various interests and they looked upon that number as being unwieldy for the purpose of forming a constitution.

Mr. de Glanville: They were then visualising something of the nature of the Simon Commission with fifteen Members of Parliament going out to Burma.

Mr. Foot: I think it was seven. Do you think a Constitution could be framed by a Round Table Conference?

Mr. de Glanville: I suggest that after the Round Table Conference has met and has come to agreed decisions if it can, or on those points on which it does not agree, the views of everybody have been taken and recorded, then His Majesty's Government should proceed to frame the new Government of Burma Act. I do not contemplate that the Conference itself should frame the Act, but I think it should be able to agree on the essential principles and then hand it over to the law officers of Government to frame the Act on those lines.

Chairman: Framing an Act is always a very technical matter, but you could lay down general principles.

Mr. Foot: The view which Mr. de Glenville now expresses is, I think, inconsistent with the views of the Burma Legislative Council, is it not?

Mr. de Glenville: It is inconsistent with the views of the Government of India, and it is to some extent inconsistent with the views of the Legislative Council, because the Legislative Council have not considered this point. This point was only taken up afterwards; but since then we have had repeated telegrams from Burma approving of the course that I now suggest. The Legislative Council passed a unanimous resolution that the Commission was to be a joint one. The Local Government is opposed to that, and I believe British opinion will be opposed to it.

Chairman: It will mean more delay—a Parliamentary Commission.

Mr. de Glenville: A Parliamentary Commission, according to the Government of Burma, was to come out as the Simon Commission did; then the Delegates should come here and hold a Round Table Conference. We skip this Commission.

Chairman: Of course, the problems are very much simpler.

Mr. de Glenville: They are much simpler. We can discuss them in a friendly way here; if we cannot come to a decision the final arbiters are the British Parliament.

Chairman: May I hear what the Burmese representatives say?

U Ba Pe: I quite agree to convening a Conference here instead of sending out a Commission. The announcement made by the British Government should also mention this decision. I do not know whether the terms of reference could be laid down for the Conference. The important point is to let the people of Burma know definitely that it will be a free Conference in which they can express their opinion freely; that is important because there is an impression in Burma as regards the Round Table Conference that we shall not be allowed to talk beyond a certain limit, and that we shall be gagged here. That impression exists in Burma, and it must be removed.

Chairman: I should have thought they ought to know better by now. Do they think the new Conference will be as much gagged as this Conference?

U Ba Pe: There is no harm in making known in advance the actual work we are doing here. You can never know what these mischief makers will go about and say in the country. Conditions in Burma and India are quite different from conditions here. The people of Burma are homogeneous and compact and any news can be broadcast all over the country in a few days; a lot of mischief can be done easily. It is important to take precautions in advance. I want to emphasise the necessity of announcing the Conference along with the announcement of the acceptance of separation in principle.

Mr. Mody: Might I suggest that, having heard the views of these gentlemen, you put a draft before us to-morrow.

Mr. Ohn Ghine: In regard to the Resolution passed by the Burma Council as to the Commission I put forward an amendment to the effect that in place of a Commission there should be a Round Table Conference for Burma here simultaneously with the Indian Round Table Conference. That amendment was agreed to by all parties in the Council, or most of them. I was not able to move that because the Member in charge of the Department concerned refused permission for the amendment as the notice had not been given in sufficient time. Had it been moved I think it would have been carried. So that even then the general consensus of opinion was in favour of a Round Table Conference here rather than a Commission.

U Aung Thin: I endorse the view expressed by Mr. Ba Pe.

Mr. Mody: May we hear Sir Charles Innes' views?

Chairman: Yes. Will you give us your views, Sir Charles?

Sir Charles Innes: If you will excuse me, this is a matter which is now being considered by His Majesty's Government and any views which I may express I think should be expressed to His Majesty's Government.

Chairman: Yes. I understand your views are on record.

Sir Charles Innes: Yes.

Mr. Foot: I suggest, Sir, that we should meet again and if this matter of the machinery of enquiry could be deferred, in the light of what has been said, we are more likely to be able to arrive at a right decision.

Chairman: I certainly do not suggest we should come to any conclusion to-night. I wanted to know what was said and I should be glad to know if any other member of the Committee has any views to express against what is being said.

Mr. Mody: Are we deciding now that we should recommend to the Government that they should make an announcement on the question of separation?

Chairman: No. We are giving representatives an opportunity of expressing their views as to the best machinery for framing the new Constitution; that is really what we are talking about. I am not suggesting we are deciding anything. You have heard what the Burmese representative have said. I will think over what they have said and I will consider by to-morrow what we can do about it and whether it would be proper that we should make any recommendation on the subject.

Mr. Foot: And you will take into consideration my Lord, will you, the possibility of whoever may be the British representatives on that Committee being able to arrive at a reasonable conclusion without local enquiry, because there are the backward districts and other areas which have to be taken into consideration. In dealing with twelve millions of people of course a multitude of problems arise and I should think the Governor, the Government of India and indeed the Legislative Council contemplated that there would

be the necessity of enquiry on the spot before the political destiny of this people was decided for a long time to come.

Chairman: But the backward areas would have to continue to be administered by the Governor.

Mr. Foot: Yes, of course that would be a part of the Constitution.

Mr. de Glanville: You must remember that the Simon Commission has already recorded a mass of evidence and no Commission which went out would get more evidence.

Mr. Foot: The Simon Commission expressly said they were not going into the framing of the Constitution.

Mr. de Glanville: But they have the evidence.

Mr. Foot: Yes, in Volumes 15 and 16.

Mr. Shiva Rao: Before we settle the machinery should not those who are against separation be given an adequate opportunity for expressing their opinion?

Chairman: I am sorry, but it is too late for that.

Mr. Shiva Rao: After all it is a well-known constitutional principle that the majority of the inhabitants of a Province have the right to decide whether they want to be separated and what particular Constitution they want.

Chairman: Does anybody suggest that the majority of the people of Burma are against separation?

Mr. Shiva Rao: I do not know. I am not in Burma.

Mr. de Glanville: The point has to be decided by the representatives of Burma.

Mr. Foot: There was no postcard poll taken of the people of Ireland. The decision was made by their representatives.

Lord Peel: What estimate have you in mind as to the section of opinion that is against separation?

Mr. Shiva Rao: I have no estimate.

Lord Peel: It was only that you thought there might be.

Mr. Shiva Rao: There is, according to this document. The Government must accept the proposal to make it a mixed Commission. Even Governments live and learn.

Chairman: I think we have had a useful discussion, and I will read over what has been said and see if I can bring up any suggestions to-morrow. I am not sure whether we can take any steps about this or not.

Mr. Shiva Rao: I should like to suggest that if separation is effected a recommendation should be made that Burma's admission to the League of Nations should be secured at the earliest possible moment. It is not a question of sentiment. I am thinking from the point of view of industrial legislation, and I think it is essential that Burma should continue to be a Member of the League of Nations as she is now through her connection with India. I think

the right of Burma to representation at all Imperial and International Conferences should also be recognised.

Mr. Mody: It is of importance to India. It is not from the point of view of Burma that we are thinking of this.

(The sub-Committee adjourned at 4-35 p.m.)

PROCEEDINGS OF THE THIRD MEETING OF SUB-COMMITTEE No. IV
(BURMA) HELD ON 9TH DECEMBER, 1930.

Chairman: I do not know whether all the members of the Committee have got before them a draft Report which I have had prepared. I think, myself, subject to anything that is said, that we might be able to finish our labours to-day and agree to this. It really covers everything that we have discussed. At the same time I am very anxious that no one should say afterwards that the matter has been rushed in any way, and therefore I will give the fullest opportunity for any discussion that may be desired, and I will put myself entirely in the hands of the Committee. If you feel that this represents what we have discussed, and the conclusions that we have so far come to, I should like, if you do not mind, just to go through it paragraph by paragraph and see whether we can adopt this as our Report. I made it out in that form in order to save time. The first page had to do with purely formal matters, as you see. It says who was appointed and when we sat and so on.

Then we come to conclusions, and the first conclusion is on the principle of separation. Does anyone wish to raise any further point on that? We did discuss the form of words before, and I think it covers everything.

Mr. Shiva Rao: It seems to me that it is rather rushing things through to ask H.M. Government to make a public announcement that the principle of separation is accepted without saying anything at all positive about the prospects of constitutional advancement held out to Burma, because even the Committee which was appointed by the Burma Legislative Council to co-operate with the Simon Commission had an amendment, I think, that a Committee of seven non-official members should confer jointly with the Indian Statutory Commission, and the words added were "for the purpose of determining the immediate steps necessary for the attainment of full responsible government". Also, I see from the Report that this amended resolution was carried by a majority and I also note that Mr. M. M. Rafi, who I presume is a Muslim from his name—

Mr. O. de Glanville: Yes, he is.

Mr. Shiva Rao: Yes. Mr. Rafi, one of the members of the Committee adds this to the Report:—"But if separation is demanded on the principle of self determination he will support it provided Dominion Status is granted." I also notice that in the Despatch of the Burmese Government to the Government of India on the Simon Report, at page 238 of the Despatches from Provin-

cial Governments, the Government says quite frankly: "It is quite true that Burman politicians of extreme political views who have refused to work the present constitution still believe that Burma would get full responsible government earlier if she remained part of British India, but they wish merely to postpone the day of separation." I think that the only difference between those who are against separation and those who are in favour of separation is as to the time of separation. Those who are against separation want to make sure first of all that they will get full responsible government once they are separated from India; and in the note of dissent which one of the Burmese members appended to the Report of the Burma Provincial Committee which worked in co-operation with the Simon Commission, this is what Mr. Rafi, the Muslim gentleman to whom I referred, said: "I believe that Burma is fit for self-rule. We do not know, however, whether the British Parliament will forthwith acknowledge our fitness by an immediate grant of Home Rule. If they do not, it will in my opinion be unwise and futile to press for separation. . . It will leave Burma weak and isolated, divorced from a connection which, whatever its detractors might say, has admittedly helped her in the past to rise from her political slumber and fight her political battles and to which the present Reforms in Burma are largely due".

It seems to me that it is unwise to ask the Government to make any announcement of separation until Burma knows exactly where she stands politically. I also note that the Burman Government, in the Despatch to the Government of India, on page 244, say that they "have not yet formulated their views. They are engaged on that task, now, and are preparing a memorandum for presentation to the Commission"; the reference being to the Commission proposed, that should visit Burma at the end of January, 1931. That is after the deliberations of the Round Table Conference are over, and while the Burman Government acknowledge that the pledge given in August, 1917, applies to Burma as much as to India, there is no clear enunciation of the policy to be pursued in the immediate future.

Therefore I submit that it would be much wiser to postpone any suggestion to His Majesty's Government with regard to an announcement on the principle of separation until the deliberations of the Round Table Conference have reached at any rate the concluding stages, so that we know exactly where India stands at the end of the Conference. When I speak of India I include Burma, as she is at present part of the Indian Empire, but that at the present stage it would be unwise to commit ourselves to this principle.

Chairman: You are not representing Burma are you?

Mr. Shiva Rao: No, I am not representing Burma.

Chairman: I just wanted to know, with regard to this argument which you have been using, whom you were representing, because you were arguing, as I understood you, in the interests of Burma, and that Burma might be prejudiced by this.

Mr. Shiva Rao: Yes, that is my case, and I claim that there is a very large body of Burmese opinion which is identical with the view that I have put before you.

Chairman: Not represented here by the Delegates.

Mr. Shiva Rao: That is for the Delegates to say.

U Aung Thin: I deny the fact that there is any feeling against separation. Apparently there is a small section who wanted to postpone separation, with the belief that they might move along with India according to the Report. But the present situation has been worked by the political bodies who are represented here, and those bodies alone count in the country. I submit that the placing of the Constitution first and separation next is putting the cart before the horse. We want a separated Burma first, and a separated Constitution next, and unless we can get separation it would be very hard indeed to think of a separate Constitution. That will come in at its proper place, and we need not be over anxious as to that part of it. What we want now is separation and that all the considerations which were applicable to India should also apply to Burma. Along that line, I think we can go on satisfactorily.

Mr. Foot: Is not the point which has been raised by Mr. Shiva Rao this? As I understand it the point is that we have no assurance that anything will be done on the main question in relation to India, and that until that is ascertained it will be difficult for us to move in relation to Burma. But, from what I have read of the papers, the anxiety of Burma is that the new Constitution for Burma which may be necessary shall synchronise with the new Constitution for India. It is upon that that the Government of India in their Despatch, when they were speaking of the early declaration of policy, said: "The point with which we are concerned is to invite attention to the emphasis which the Government of Burma lay upon the need for expedition in order that a new Constitution for Burma may come into being at the same time as a new Constitution for British India". That is the concern, that there should not be a hiatus. The Constitution for Burma may in the circumstances be different from the constitution which may be established for India. That is a matter for discussion later. Would not your point be met, Mr. Shiva Rao, if there could be some assurance that the two things should synchronise? If, for instance, nothing is done as a result of the Round Table Conference for India, it is quite obvious that everything else falls to the ground. I should think so, at any rate.

Lord Peel: Not necessarily.

Mr. Foot: You mean that there might be separation itself. Very well, if there is to be a new Constitution for India, then importance is attached to the point that the new Constitution for Burma should be established at the same time.

Chairman: That is vital. I should like to call the attention of Mr. Shiva Rao to what it says on the page to which he first referred, page 238, that in August of this year the Burma Legislative Coun-

cil passed without a division a motion "thanking 'the members of the Statutory Commission for having in accordance with the wishes of the people of Burma recommended the immediate separation of Burma from India.'"

Mr. Shiva Rao: But that is followed by something else.

Chairman: Wait a moment. In the next line it goes on: "And requesting 'His Majesty's Government to make an early declaration of the acceptance of their recommendation.' " That seems to be the view that was taken by the Legislative Council of Burma then, and if you remember the memorandum from the dissentients in Burma, they said that they did not want to remain under India if India had a new self-government. They said that quite definitely. I do not quite see how the separation can be effected one way or another. The Constitution which will be given to Burma will no doubt emerge. All that we say in this resolution is that it will certainly not be prejudiced by the separation, and I do not see how it can be suggested that they would get a greater measure of self-government if they were under India than if they were alone.

Mr. Shiva Rao: I do not suggest that it should remain part of India at all, but I suggest that if as a result of this Conference India gets full responsible Government, then that promise should automatically apply to Burma as well, as part of India to-day; but if we adopt this resolution now, in advance of any decisions which may be reached by the Round Table Conference, it will naturally be said that the decisions of the Round Table Conference apply only to British India, and that the constitutional position of Burma should be considered separately without in any way being prejudiced by the decisions of this Conference.

Chairman: Does not that exactly arise from the fact that you are not speaking for Burma or on behalf of Burma? Would Burma regard it as self-government to be a Province of India?

Mr. Shiva Rao: I do not suggest that Burma should be a Province within self-governing India. All I say is that it appears to me that there is a considerable body of opinion in Burma which is in favour of separation from India if at the same time it means separation from England in the sense that she will be a Dominion.

Lord Peel: I only ask this for information: Where is that body, and which is the body of which you are speaking? It is not represented on the Council in Burma at all; it is not represented by these gentlemen who come from Burma. Who are they, these people to whom you refer? Are they some Indians in Burma?

Mr. Shiva Rao: I am not speaking of Indians at all.

Lord Peel: But who are they?

Mr. Shiva Rao: I think I read out the terms of the amended resolution which was adopted by the Burma Legislative Council on the 13th December, 1928, in appointing this Provincial Committee that co-operated with the Simon Commission, that its object should

be to determine the immediate steps necessary for the attainment of full responsible government; and in the notice of dissent which was appended by two members it is made quite clear that they would have no objection to separation if that separation also gave Dominion Status to Burma; one of those gentlemen was a Muslim and one a Burman.

Mr. O. de Glanville: Mr. Shiva Rao, I think, suggests that the whole Burmese question should be shelved until the Round Table Conference has made up its mind as to India. That, I think, is the proposal. You are certainly not representing Burmese opinion in making that claim. We have it emphasised by the Local Government and by the Government of India that in order to allay public opinion in Burma there should be a very speedy declaration of separation, and that Burma is not going to suffer constitutionally by separation. Burmese opinion is anxiously waiting for that, and we are anxiously waiting for it.

Mr. H. P. Mody: Would not the question of synchronisation which is mentioned by Mr. Isaac Foot arise in this way? After all you are asking the Round Table Conference to commit itself to a declaration of separation by His Majesty's Government. If the Round Table Conference does not arrive at an agreed solution, and if the Indians at Round Table Conference regard the solution arrived at as unacceptable, how can you possibly ask them to accept one portion dealing with Burma leaving them to discard everything else. That is how, in my opinion, the question of synchronisation will arise. If the Round Table Conference refuses to accept certain solutions, it must reject them *en bloc*. It cannot be asked to accept one or the other thing and refuse the rest. That is my view of it. I have not been able to follow the discussion, because I am sorry I was again late, but that is how I would view it. Another object that would be served by a little delay would be this. It has become evident in the last few days that there is a body of Burmese opinion in Burma that does not view this idea of separation with favour. I do not for a single moment question the rights of my friends to represent Burma. Just as we do not claim that we represent the whole of India, I do not think my friends can claim that they represent the whole of Burma, and it is conceivable that there are interests in Burma who are opposed to separation, and to whom you might give a little time for considering the matter and making such representations as they would like to make. Certain representations have been circulated to everybody, and it is possible more may be circulated. I myself have reason to think that a certain amount of agitation has been caused by the fact that the Committee of the Plenary Conference adopted the question of separation as a principle, not to be challenged at least by this sub-Committee, and it is conceivable that in the next few days you may hear something more about it. I would, therefore, suggest that an explicit announcement should not be recommended by our Committee.

Chairman: All these arguments you have been using just now are arguments against the principle of separation. That I must

rule we cannot consider at this Committee. So far as this Committee is concerned the principle of separation has been accepted. If it is not to be endorsed that is a matter for the Plenary Conference and not for us. If objections are to be taken to separation, on whatever ground they may be, they must be taken in the Plenary Conference, they cannot be taken here. So far as we are concerned at this Committee the principle has been accepted. What has been referred to us is to make recommendations as to the method.

U Ba Pe: Though Mr. Shiva Rao does not represent Burmese opinion, yet I think the point raised by him is in accordance with Burmese opinion to a certain extent. In the Council of Burma three resolutions were moved last August and passed unanimously. One refers to the acceptance of the recommendation of separation by the Simon Commission, the second refers to the appointment of a Commission to draw up the Burmese Constitution and the third refers to the grant of Dominion Status after separation. The three resolutions have to be read together. So that in substance it means that once Burma is separated from India it will have the status of a Dominion. That is the clear position in Burma. No doubt there is a section of Burmese opinion opposed to immediate separation, and therefore they have sent in their memorandum to this Conference, but the reason they oppose it is because they are afraid Burma may not get Dominion Status after separation. That is the only fear they have, but they are for separation all the same. As regards synchronisation of Burma's new Constitution with India's new Constitution, unless Burma's Constitution is either equal to or on the same plane as the Constitution India gets, it is no use having the same time because Burma will not be at all satisfied. My solution would be to recommend that His Majesty's Government should announce the acceptance of separation and the status that Burma will occupy after separation.

Mr. Foot: Would the point be met if some attention were drawn in our Report to approval of the Government of India's recommendation? The Government of India, speaking of the early declaration of policy, say:—

“The point with which we are concerned is to invite attention to the emphasis which the Government of Burma lay upon the need for expedition, in order that a new constitution for Burma may come into being at the same time as the new constitution for British India. In view of the large issues involved, we have some doubt whether this will in fact be possible; but, assuming that the general case for separation is established, we agree both with the Commission and with the local Government that an early declaration of policy is desirable to enable enquiries to be set on foot without avoidable delay, in order to effect the separation as nearly as may be simultaneously with the introduction of the new constitution in India.”

Would it be possible for this Committee, in a new paragraph, or in an addition to the first paragraph, to express the opinion that

we approve the recommendation of the Government of India that as far as may be the new Constitution for Burma should come in at the same time as the new Constitution for India. Would that go some way to meet the case?

U Ba Pe: No, not unless you mentioned status at the same time.

Chairman: What the status of Burma will be you will settle at the Conference when you settle the Constitution. When you settle the Constitution you will say what status you choose to call it. Dominion status is a word that may mean anything. I do not know what it means. It is not suggested you will have the same constitution as Australia, for example, after separation.

U Ba Pe: But there is one thing. Burma will not get a Constitution inferior to what India is going to get.

Chairman: Well, is not that almost what we do say? What we say is—"the prospects of Constitutional advance held out to Burma as part of British India will not be prejudiced by separation."

Lord Peel: Is it not compatible with the other interpretation that it may get what Constitution it prefers, which may be rather wider than that of India?

Sir Hubert Carr: I think its prospects are the same.

Chairman: They clearly will not be worse, I think.

U Aung Thin: It may get something more.

U Ba Pe: I am for something definite.

Chairman: But the definiteness must come after you have settled the Constitution.

U Ba Pe: I only want something definite, which will mean more than nothing at all.

Chairman: This is an announcement you are asking the Prime Minister to make to the public. I think it would be wise to accept words that would be likely to be put forward and used. If you have this said in public, announced officially, surely you have what you want, have you not?

Mr. O. de Glanville: How would it be if paragraph 1 were altered to read thus:—"The prospects of constitutional advance towards responsible government held out to Burma as part of British India will not be prejudiced by separation." That would make it perfectly clear, would it not? The ultimate goal is responsible government.

U Ba Pe: What is there to prevent our saying that Burma shall get no less than India is going to get?

Sir Hubert Carr: Can you say that before you have examined the position?

U Ba Pe: Burma will get what India gets.

Sir Hubert Carr : Every part of India is not capable of taking what the whole of India receives. There are backward areas in India. I do not suggest that Burma is a backward area, but on the face of it it does not mean that Burma can carry the same status as India until the position is examined.

U Ba Pe : Burma is a major Province with some subjects transferred. They would have an advance comparable with that of any other province. So that it follows that under the new Constitution Burma will not be worse off than the present position at least. She will get something more along with the others.

Chairman : Suppose we were to accept that suggestion which was made just now, and put in these words, which show what you are aiming at, and what you are going to get, so that the second half of it should read, "and that the prospects of constitutional advance towards responsible government held out to Burma as part of British India will not be prejudiced by separation." That shows, I think, the line you are moving on, does it not?

U Ba Pe : It is not very much?

Chairman : I took the opportunity of consulting Sir Charles Innes, and he does not think that these words will cause great unrest in Burma.

U Ba Pe : Well, I beg to differ from Sir Charles Innes. I am familiar with both sections of public opinion in Burma, and I can assure you that the effect will be very bad unless something definite is put in.

Mr. Mody : Why not say "Burma's claim to responsible government," or "Burma's right to responsible government will not be prejudiced by separation"? That is something definite. You might say Burma's claim, if such a claim has been put forward by responsible opinion in Burma, or Burma's right, if the other claim has not been definitely made. That would be quite precise.

Mr. de Glanville : To say "the claim to responsible government" is not quite as stated. Every party in Burma considers that the goal is responsible government, but we are not all agreed that it should be immediate dominion status to follow separation.

Mr. Mody : Well, say "responsible government". That is why I advisedly put the words "responsible government".

Lord Peel : I should have thought that the present words covered everything myself.

Chairman : I do not want to force my view on the Committee in any way, but I think the Committee would be wise to accept this, with the addition, if you like, of the words "towards responsible government". If you get that announcement made officially by the British Government I should have thought it would be enough.

Mr. Shiva Rao: It is your language, so you can interpret it better than I do, but it seems to me that it rather weakens than strengthens the language of the first draft.

Chairman: I will take out "towards responsible government" if the Committee like.

Mr. de Glanville: I do not mind at all.

Chairman: I think it is sufficiently strong. I think it means that you would be as well off as if you were a part of India. We do not know what the Government of India is going to be yet; we do not know what the Government of Burma is going to be yet.

Sir Hubert Carr: You agree, do you not, Mr. Ba Pe, that the details cannot be worked out in the present Conference now—the Round Table Conference?

U Ba Pe: I want to know the principles of the constitution.

Chairman: Well, I do not want, of course, to hurry the Committee over this, because of course it is rather important; but can we come to a conclusion on it? Would you like those words put in—"advance towards responsible government"?

U Ba Pe: Mr. Mody made a suggestion.

Mr. Mody: My suggestion was, "Burma's claim to responsible self-government will not be prejudiced by separation," or "Burma's right to responsible self-government will not be prejudiced by separation"—one or the other.

Mr. de Glanville: That is the same thing. I do not want the word "immediate," because opinion is not unanimous on it.

U Ba Pe: The immediate grant of responsible government is opposed by the Europeans only.

Mr. de Glanville: No, no, you are quite wrong.

U Ba Pe: Mr. de Glanville belongs to the Independent party. He is for full dominion status.

Chairman: But be that how it may, you do not know what India is going to get, and you certainly will not get the British Government at this stage to make an announcement in that form. If you want it made in that form you will have to wait, as was suggested, till the very end of the Conference. You must take your choice. If you want the declaration made now it will have to be in that form.

U Ba Pe: I am not pressing for immediate dominion status.—I want a declaration of the British Government about Burma's constitution.

Chairman: Here is an announcement which I understand probably the Government would be prepared to make as soon as the Plenary Conference had agreed to it, and I understood that you were anxious to have a definite announcement made at an early stage.

U Ba Pe: Quite so.

Chairman: If you want the announcement to be more definite than that you would have to wait till the end of the Conference, until we knew what India was getting, would you not?

U Ba Pe: What harm would there be if we simply said that Burma will get at least the same constitutional advance as is given to India—that whatever is given to India, she will get that, if not more.

Lord Peel: I think that would make great complications, because then you have to compare it exactly with what India does get.

Chairman: Besides, it would be absolutely impossible. India, apparently, is going to have a federal system. You are not going to have that in Burma.

Mr. Shiva Rao: The structure may be different, and yet the concession of political power may be the same, the degree of responsibility may be the same. Those are two different things.

Chairman: The concession of political power may be very different. Questions of defence and questions of finance are quite different in Burma from what they are in India.

U Ba Pe: Of course, that will differ according to the circumstances of the country, but the main principles will be the same. The advance towards responsibility will be as much as the conditions of the country permit.

Chairman: I can only advise the Committee that they should accept this form of words. If they would prefer to wait; I dare say some other form of words could be devised later.

Mr. de Glanville: On behalf of my portion, we say it is dangerous to wait. We want a declaration as early as possible. We agree with the Government of Burma and the Government of India on the necessity for a very early declaration. They are all in agreement—the Statutory Commission, the Legislative Council and the Government of India.

Chairman: You see, what I was anxious to do to-day, if the Committee would agree, was to define as far as we can define it, the position of Burma. We could make the separation clear, and have an announcement as to that, have an announcement as to the lines on which the constitution would be framed, so far as this resolution covered it, and on these other points which we have considered, so that the Burmese Delegates could then go home and know that the thing would go on in the ordinary course until we had our Conference, or whatever other method we adopted for the constitution; and I thought that that would probably be convenient. But, as I say, I am in the hands of the Committee on it.

U Ba Pe: You see, as the formal resolution proposed here stands, it looks like a leap in the dark. That is all I am thinking about.

Why not put in the words suggested by Mr. Mody? That would be more satisfactory to the people of Burma.

Chairman: Would the Committee like to hear what Sir Charles Innes says about this?

Mr. Mody: Certainly, we have no objection. We would be only too glad.

Chairman: Would you say a few words, Sir Charles?

Sir Charles Innes: I think U. Ba Pe knows that the Government of Burma have done their best for what they think to be Burman opinion in this matter, and if U. Ba Pe will permit me, while I have no desire whatever to enter into any controversy, I really must put what I know the position is in Burma at the present moment. In the first place, as you, Sir, pointed out, the principle of separation is not open to this Committee, and, as I said, this Committee cannot enter into any details of the new constitution of Burma, or cannot say in what way or to what length that new constitution will go, and for this reason: that His Majesty's Government are not yet seized of the problem of Burma. They have not even had the views of the local Government, they have not had any views from the Simon Commission, they have not had any views from the Government of India; that is to say, the present position of His Majesty's Government is that they have got a perfectly open mind—in fact, a perfectly blank mind—as regards the new constitution of Burma. Now, U. Ba Pe, if I may say so, is trying to telescope into one, two things which ought to be kept distinct. What I suggest that this Committee can definitely do is to suggest that separation will not prejudice in any way the goal of constitutional advance which has been held out to Burma. That, I think, is as far as the Committee can go. I do not think that they could say at this stage that His Majesty's Government could give Dominion status, with reservations, at once, or even must give a constitution the same as that which may be given to India, not because His Majesty's Government will not do that—indeed, the Government of Burma has specifically said in their report to the Government of India that they hoped that whatever Commission of Enquiry may be appointed may find it possible to propose for Burma a system of government comparable with that proposed for India. But at this stage I do not think His Majesty's Government can be expected to go further than to say that separation will not prejudice the prospects of constitutional advance held out to Burma as part of British India, and when they have said that, it seems to me that the Burma position is amply safeguarded; separation will not mean any derogation from the hope held out, and the new constitution will remain open for discussion, and Burma will be perfectly free. U. Ba Pe will be able to bring forward his point, the Government of Burma will have their say and the British Government will make up their minds. It seems to me that what you want to do at present is merely to suggest that the goal held out is not in any way prejudiced

by separation. That seems to me to be the essential thing; and all the other things as regards the exact form of constitution, or how far that constitution will go, must be left for future consideration, if only for the reason that His Majesty's Government cannot speak on the subject because they are not seized of it in any way, and have not the material on which to form a conclusion. I do think you could fairly ask for a statement that the constitutional prospects are not in any way prejudiced by the fact that Burma is being separated from India. That is all I wish to say.

Chairman: Now, what does the Committee feel? Would they be prepared to accept this resolution in this form?

U Ba Pe: I would rather like the other form as it is the same thing.

Chairman: No, I do not think it is the same thing. If you want this announcement made by the British Government soon, I think you will be wise—I will not put it higher than that—to adopt the resolution in this form. The British Government cannot commit itself at this moment, as Sir Charles Innes has explained, to any particular form of government.

U Ba Pe: Mr. Mody's resolution was simply—.

Mr. Mody: May I say a word. The position of even those Burmans who strongly support this demand for separation is that they expect her to have responsible government at the earliest possible date. I do not think that matter was left in the least doubt, that they would want self-government if they had separation. If they could not have that, they would rather be with British India. I do not know whether I am interpreting their feeling correctly or not, but I feel that if these gentlemen were assured that they were going to enjoy a form of responsible government immediately, they would like to separate. Therefore this declaration must have as its basis a statement that Burma's right to responsible government will not be prejudiced by separation. If it does not mean that, then it is a declaration which my friends would be very ill-advised to accept or to ask for.

Chairman: That is exactly what it says as it now stands: "the prospects of constitutional advance towards responsible government held out to Burma as part of British India will not be prejudiced by separation."

Mr. Mody: Yes, but it is a very negative and, if I may say so with great respect, a weak way of putting it. They ask for something definite.

Mr. Foot: I understand that Mr. Mody's criticism is that this is a negative statement. Would you consider, my Lord, if it would not be possible to adopt words such as those suggested by the Governor himself in his Report. It may be nothing more than addition, but he goes on to say here—I will read the words:—"It is of great importance that it should be made clear beyond all possibility of doubt or question that the separation of Burma will not

involve any departure from the statement contained in the preamble to the Government of India Act, 1919, that the objective of British policy is the progressive realisation of responsible government in British India as an integral part of the Empire. As the Commission say, that statement constitutes a pledge given by the British nation to British India. When the pledge was first announced in August, 1917, Burma was a part of British India. The pledge therefore was given to Burma as well as to India, and even if Burma is separated from India, the pledge still stands for Burma unimpaired and in all its force."

I think it is covered by the words we have got, but they have rather a negative sound which may be discouraging to our Burmese representatives. Would it be possible to add there simply that the pledges given in the Government of India Act apply to Burma as well as to India and remain unimpaired in all their force. Would that give a positive touch to it that would satisfy our Burmese friends?

Mr. Mody: But the subjects have been implemented by various declarations.

Mr. Foot: I thought that would occur to Mr. Mody.

Mr. Shiva Rao: Besides, if Mr. Foot will forgive me for pointing it out, all the difference is, as Lord Reading put it in his speech at the opening session, it is a question of pace, because dominion status is the goal for Burma as much as for British India, according to the announcement of August, 1917. The only question is whether it is now or in a distant future.

Chairman: Well, as I say, I am in the hands of the Committee on this matter. I will press them to agree to this form of words, but if you prefer not, of course, we shall have to change them; but I do not think you will be wise, really, in the interests of Burma, I think you may take this pledge as meaning what it says.

Mr. Mody: But if His Majesty's Government are not prepared to say that Burma has a right to responsible government, would the Burmans want this separation at all? That is my point.

Mr. Foot: A request was made for this declaration to be made in the terms of reference to the new body deciding the constitution. That is what the Government ought to say. "The Government of Burma could not possibly agree to separation on any other terms, and they trust that His Majesty's Government will see fit to set at rest any doubts that may still exist on the subject by the wording of the terms of reference to the Commission." That Commission has yet to be set up, of course. That is the historical and symmetrical place for it to appear.

Chairman: Yes. I do not know whether you need be more anxious for Burma than Burma is for herself, Mr. Mody.

Mr. H. P. Mody: I am here as a member of the Committee, and I do not see why I should not feel for my Burmese brothers just as much as you would feel for them.

Mr. M. M. Ohn Ghine: May I enquire whether the second part of the first resolution as it stands does not imply that whatever measure of advance may be granted to India as a result of the Round Table Conference will also be given, as a minimum anyhow, to Burma? Does it not imply that.

Chairman: It may imply that. It seems to me that it means that you will not be prejudiced by the fact that you are separated.

Mr. M. M. Ohn Ghine: Yes.

Chairman: It does seem to me to imply that you will be treated at least as well as if you were still part of India.

Mr. M. M. Ohn Ghine: If that is clear, it is all right.

Chairman: Well, is there any amendment? We had better come to grips with it now. Will the Committee be prepared to agree to it? What we have in the draft is this: "The Committee ask His Majesty's Government to make a public announcement that the principle of separation is accepted; and that the prospects of Constitutional advance held out to Burma as part of British India will not be prejudiced by separation." Is that agreed?

Mr. H. P. Mody: I will move in the terms I have suggested, namely, that the right of Burma to responsible government will not be prejudiced by separation.

Chairman: Does anyone second that, or support it?

U Aung Thin: Yes.

Mr. Shiva Rao: Will Mr. Mody be good enough to read out what he is proposing.

Mr. H. P. Mody: "That the right of Burma to responsible government will not be prejudiced by separation."

Mr. Shiva Rao: That does not mean anything, does it?

Mr. H. P. Mody: It makes it more definite.

Mr. M. M. Ohn Ghine: I support it, but I do not know that it makes much difference really because the claim of Burma for a full measure of self-government will have to be advanced when the Constitution is considered, so that I do not know that it makes any difference.

Mr. H. P. Mody: If you prefer other phraseology, I am content, by all means. It is a matter for you.

Sir Hubert Carr: The right has yet to be established.

— *Lord Peel*: "Right" is a very grave word to use. Nobody knows what it means. Is it a legal right? Is it a moral right? Does it raise constitutional deductions or inferences? I think that this is much better.

Mr. H. P. Mody: Put in the word "claim" if you like.

Lord Peel: I think that the word "claim" again is difficult.

Sir Hubert Carr: We do not know what a "claim" is.

Lord Peel : The prospects of constitutional advance will not be prejudiced by separation. That is what it says. It seems to me to be quite definite, and it has the advantage of not in any way prejudicing the subsequent conferences.

Chairman : I do not want to take a vote upon it, but I must take the sense of the Committee. Is it the general sense of the Committee that we should pass this resolution as it is, without amendment.

Mr. M. M. Ohn Ghine : Before you put it to the vote, there is one point I should like to mention. Yesterday I raised the question of machinery for dealing with the questions that I then mentioned.

Chairman : That is a separate point. May I take it that the Committee will report in this form, with the addition of these words " towards responsible government " ?

(*Agreed.*)

I will come back to your point about machinery, if you wish it, at the end.

Now may I take No. 2 ? I do not suppose that there is anything more that you want to say with regard to No. 2, is there ?

Mr. Shiva Rao : I was wondering whether, about the middle of No. 2, where it says " the fullest opportunity should be given to all minorities and to the Government of India," you could also add " the Central Legislature " ; or is it implied in it ?

Mr. O. de Glanville : I have lived in Burma, and I do not think that the representatives of Burma will want to go to Delhi, or that they will want to go as suppliants to the Legislative Assembly. They will prefer to deal with the Government of India, which will no doubt seek the advice of members of the Legislative Assembly.

Chairman : As a mere matter of procedure, when you are dealing with a different country, you can only deal with its government; you cannot deal with the constituent parts which make up its government. I am afraid that that really would not be constitutionally correct.

Is there anything else that anyone desires to raise in connection with No. 2 ?

(*There was no response.*)

No. 3 is with reference to a financial settlement, and that goes down to the middle of page 3 of the document.

Mr. Foot : Upon that, where you get at the bottom of page 2 a reference to paragraph 93 of the Despatch of the Government of India, would it not be advisable to quote that paragraph 93. It appears probable that people who have the Report of this Committee may not have before them the Despatch of the Government of India, and it therefore appears to me that if you could have as a

sort of addendum the paragraph that is referred to, it would make your Report self-contained.

Chairman: I think probably we could quote it in the appendix in small type.

Is there anything else to be said with regard to No. 3?

Lord Peel: I always believe in reasonable mutual accommodation. If you ask me if I agree with No. 3, I say that I always believe in accommodation. I thought that the thing was the spirit of reasonableness in mutual accommodation.

Chairman: I attach great importance to it myself, and I am quite sure that when they come to negotiating between the two countries, they will show it. May I pass from No. 3 with that accepted?

(Agreed.)

No. 4 is with reference to defence. We have nothing that we can add to that, have we? Is No. 4 agreed?

(Agreed.)

No. 5 relates to the administration of Central subjects, and there are a few words written in at the end: "The Government of Burma should continue to make use of certain scientific Services" and there is added "of the Government of India." That is in order to show whose Services they are because without those words it is not quite clear whose scientific Services they are that are to be made use of.

Mr. Shiva Rao: Should we limit it to scientific Services? There may be other ways in which there can be co-operation between the two Governments. Is it necessary to limit the field only to scientific Services?

Chairman: Well I do not know. What do you say about it, Sir Charles?

Sir Charles Innes: If I may explain, there was a slight difference of opinion between Sir Bhupendra Nath Mitra and myself yesterday about the scientific Services. I put the suggestion in as the result of conversations with certain heads of departments at Simla. The point is that it would be impossible for Burma to have a really satisfactory Service say for Geological Surveys or the Survey of India, or Meteorological Service, because the Services are so small that the scientists would have to work in isolation, and if you have a scientist working in isolation, in a very short time he ceases to be a scientist at all. We have in India certain extraordinarily fine Services. They have probably the highest reputation of any scientific services in the whole world, namely, the Geological Survey of India, and the Survey of India; and it seems to me, and I am sure Burmese opinion would agree, that it would be very much to our advantage if we could make use of the scientific

Services, for the reason that we should find great practical difficulty in starting really good Services of that kind ourselves. I cannot think of any other Service for which the same reason would exist, although at the same time I can assure you that in the working out of the Service we shall certainly consider the point. The really outstanding thing about it is that it will pay us in Burma, if we can agree with the terms of the Government of India, to make use of the three Services—the Meteorological Department, the Geological Survey of India, and the Survey of India, and I also hope that we shall be able to make use of the Indian Lighthouse Service. I do not know whether Mr. Rao can mention any other Services. We should obviously have to make up our own Customs, and our own Post and Telegraph Department, and our Railway Services, our Civil Services, and our Police Services, and I cannot think for any Services that we can share with the Government of India other than those Services and the Lighthouse Service.

Mr. Shiva Rao: I cannot think of any, but it seemed to me to be a pity to limit it.

Chairman: This is not an Act of Parliament, Mr. Rao; it is merely our suggestions as to things which may be done, and it does not in the least way shut out the Government of Burma or anyone else from taking other things into account in considering it. This is only an indication, and you are not bound by this in any way. I think we might leave it like that.

Sir Hubert Carr: It is all that we can recommend.

Chairman: Yes, but this recommendation does not prevent the two Governments agreeing about it.

Lord Peel: Nor does it prevent other Services from being added to it.

Chairman: May I take it that No. 5 is agreed to.

(Agreed.)

No. 6 is: "The Committee express the hope that it may be found possible to conclude a favourable Trade Convention between India and Burma. They believe that a Trade Convention would benefit both countries, and they think it important that separation should cause a minimum disturbance of the close trade connections that exist between the two countries." Is that agreed?

(Agreed.)

Now did you want to raise again this question that we were discussing yesterday about the machinery.

Mr. O. de Glanville: Yes. I understood yesterday that you allowed us to discuss that, and that you would give us a ruling to-day as to whether advice on that portion comes within the terms of reference. I am bound to point out that we have advised here upon the financial method of settling things; and if that is within

our terms of reference, I should respectfully suggest that it is also within our province to recommend whether there should be a Commission or a Round Table Conference.

Chairman: I think possibly it may be strictly within your terms of reference. It is rather difficult to say. The last words are to recommend the best way of securing this end. That is the end of separation on equitable terms. Whether the machinery which sets up the new Constitution is part of the best way to secure this end I do not know. It may be said to be. The only thing is I do not think any recommendation from us would necessarily be very useful because it is a matter which the British Government, after consultation with the Government of India and the Government of Burma, must settle themselves. What Sir Charles Innes said just now about the other point is true, that the British Government have not at present got sufficient information to enable them to make up their minds definitely one way or another. I would prefer, if the Committee would agree, not to put anything into the Report about it, but I would write a minute to the Secretary of State reporting the substance of the conversations we had yesterday so that he was perfectly clear what the views of the Burmese delegates were on that point. I think probably that would be the best way to deal with it. The Secretary of State will then have everything before him on which to draw a perfectly clear impression. I think I am right in taking it that there was no division of opinion.

Mr. O. de Glanville: That is so, we were unanimous.

Chairman: I think, perhaps, it is not appropriate to go into the Report.

Mr. O. de Glanville: Then I will withdraw my suggestion.

Chairman: Is there any other matter on the Report that any delegate would wish to raise?

Mr. Foot: I certainly do not want to enter into any point that the Committee ought not to cover, but inasmuch as importance is attached to the question of synchronisation, may I make the suggestion that as far as possible, when the new Constitution is set up for India, the new Constitution for Burma should be as nearly as may be set up at the same time.

Chairman: Frankly, I do not think that is necessary, because it is fully in the mind of the Government. Everybody in India and Burma understands that it would be practically impossible unless the two new Governments could come into being at the same time. You would not have provided two equal bodies to negotiate or to do anything. I think that is in everybody's mind. Unless the facts make it impossible there will be synchronisation. I really do not think it is worth while discussing.

Lord Peel: It cannot be at once a province of India and something else at the same time.

Chairman: Exactly. You must have the two things as nearly as possible simultaneous. That is one reason why our Burmese

friends are anxious to get on with the drawing up of the Constitution.

Mr. O. de Glanville: That is one reason we asked for this Conference, to expedite matters.

Chairman: I see in the Report you make that is one of the reasons. Is there anything else any delegate would like to raise?

Mr. Shiva Rao: I raised the question yesterday of Burma's right to representation at the Imperial Conference and at the League of Nations, a right that has been enjoyed for ten years or more as part of India. I think it is only right that Burma should continue to exercise that right if separation is effective. I was wondering if this Committee would recommend to His Majesty's Government that those two principles be recognised at the same time.

Chairman: I do not think that is a matter for this Committee, and to a certain extent it is not a matter for His Majesty's Government. The League of Nations itself elects its members, and India does not attend the Imperial Conference, I understand, as a Dominion at present, but sends representatives by invitation.

Sir B. N. Mitra: So far as I know it has the right to representation on the League of Nations according to the Treaty of Versailles.

Chairman: Mr. Thomas, who ought to know much more about these things than I do, tells me that India attends the Imperial Conference by invitation.

Sir B. N. Mitra: But the Treaty of Versailles would not affect the Imperial Conference.

Chairman: I was speaking of the Imperial Conference.

Mr. Shiva Rao: I also mentioned the League of Nations.

Chairman: I was speaking both of the Imperial Conference and the League of Nations. The League of Nations elects its members. I do not think that is really a proper thing to be considered now when you are considering the Constitution but when you have framed the Constitution. That is the time to consider it. Burma will then make application in the ordinary way. I do not think it is a matter for this Committee at all.

Lord Peel: There is a proverb: "First things First."

Chairman: Is there anything else on this Report? I do not want you to say afterwards that I have hurried you in any way.

U Ba Pe: This Report will go to the Plenary Conference, will it, or will it go to the Conference in Committee?

Lord Peel: It will go to the full Committee of the Plenary Conference.

Chairman: If you notice at the top of page 2 the effective words are these:—"The Committee sat, and after sitting it has authorised me to present this Report." I shall present this Report to the next sitting of the Committee of the whole Conference, or if there

is a sitting of the Plenary Conference before then, probably direct to the Plenary Conference. I am not quite sure that technically we can do that. But I will see that it is presented at the first sitting of the full body which takes place, whichever it is.

Lord Peel: We must have a sitting first of all of the full Committee, must we not?

Chairman: I should think we must, as we have been appointed by them. There is to be a sitting, I understand, next week, probably.

Mr. H. P. Mody: In presenting the Report on behalf of the whole Committee, what becomes of the position of those who have been under the necessity of dissenting from one or another of these recommendations? Will you send this Report round for signature, or will you just present it as the Report of the Committee?

Chairman: I was not proposing to send it round for signature. It is the Report of the Committee. Those who dissent from it and wish to carry their dissent further ought to express it when the Report is presented.

Mr. Mody: In any sense it cannot be regarded as the Report of every single member of the Committee.

Chairman: No, the general sense of the Committee. We settled quite definitely that this Conference was not going by voting. But I think I have correctly gathered the general sense of the Committee in this Report. I have tried to do so.

Sir B. N. Mitra: Could you not say that certain members dissented from certain recommendations of the Committee? Was not that the procedure settled upon when the Committee appointed sub-Committees?

Mr. O. de Glanville: May I ask if anybody has dissented?

Sir B. N. Mitra: So far as I am concerned I have not dissented.

Mr. O. de Glanville: And I think Mr. Mody withdrew his dissent?

Mr. Mody: I dissented.

Lord Peel: If Mr. Mody dissents he is entitled to say so.

Mr. O. de Glanville: He has not said so.

Mr. Mody: I have dissented from one or other of these recommendations as regards the propriety of making the announcement on the part of His Majesty's Government.

Chairman: What I proposed to say was that the Report was unanimous on some points and practically unanimous on others, and those who dissent will have the opportunity of presenting their dissent then. I do not think I can say more than that. You have the right to speak when the Report is received, but the Report must represent the majority of the Committee.

Lord Peel: I suppose any minority can record its dissent if it chooses.

Sir B. N. Mitra : I think that was indicated. I have not the proceedings, but perhaps Mr. Mody is entitled to ask in regard to the points on which he has dissented that that dissension should be indicated.

Chairman : If you would like to have your dissent recorded on the proceedings of this Committee, I think this would be a convenient opportunity for you to say, in the presence of the shorthand-writer, what are the points on which you would like to have your dissent recorded. We should then get it recorded on the proceedings of the Committee, so that there is no doubt about it.

Mr. Mody : I am prepared to do that, but I do not know whether the other members of the Committee are absolutely unanimous. There was a point raised by Mr. Rao.

Mr. Shiva Rao : My point is practically the same as yours. I raised the point before Mr. Mody came in.

Sir B. N. Mitra : If Mr. Mody will make his statement of dissension, Mr. Shiva Rao will subscribe to it.

Mr. Mody : I will write what I have to say, and send it on.

Mr. Shiva Rao : Could we submit a note by to-morrow morning. That would not delay the submission of your Report.

Chairman : You mean that you would like the note of dissent to appear on the Report itself? If you send in a note of dissent it shall be added, but I do not think that is the procedure. This is not the Report of a Commission where we can have minority Reports. I know we very often have minority Reports in India; I have read some that are longer than the original Reports.

Lord Peel : I sometimes have not been able to find the original Report because the minority Reports have been so long.

Chairman : If you send in a minute I will find out what the practice is, and if it is the practice I will have it put on the Report itself. But I do not think that is the practice. I thought you might perhaps like to say something here before the Committee adjourned. Do you wish to have anything recorded?

Raja Sher Muhammad Khan : When the Report is presented they can say in what they dissent. They do not dissent from the principle, but on some question, and they can say it then.

Chairman : I think that is the proper course. If there is nothing else, may I take it that this Report is approved in this form?

Mr. Mody : You have suggested, in answer to the suggestion of Sir B. N. Mitra, that you might state that the Report is not unanimous in all particulars.

Chairman : I will say that if you like. But I cannot make your speech for you.

U Ba Pe : Conclusion No. 1 is the only one which is dissented from and that is on procedure and not on principle.

Chairman : May I put it again? May I now present this as the Report of the Committee to the Plenary Conference? Is that agreed? If that is agreed, then I think that concludes the business of this Committee.

Earl Peel : It was understood that our views were to be provisional at the earlier stages, so that by the time we get to the Plenary Conference Mr. Mody may have changed his mind.

Chairman : That concludes our business, gentlemen. Thank you for attending.

SUB-COMMITTEE No. IV.

(Burma.)

REPORT PRESENTED AT THIRD MEETING OF THE COMMITTEE OF THE WHOLE CONFERENCE, ON 16TH JANUARY, 1931.

On December 1st the Committee of the whole Conference set up a sub-Committee with the following terms of reference:—

“ To consider the nature of the conditions which would enable Burma to be separated from British India on equitable terms, and to recommend the best way of securing this end.”

The following Delegates were selected to serve on this sub-Committee, over which I was appointed Chairman:—

Lord Peel.	Mr. Srinivasan.
Mr. Foot.	Captain Raja Sher Muham-
Mr. Aung Thin.	mad Khan.
Mr. Ba Pe.	Mr. Mody.
Mr. Ohn Ghine.	Mr. Ghuznavi.
Mr. de Glanville.	Sir B. N. Mitra.
Mr. Chintamani.	Sir Hubert Carr.

Mr. Shiva Rao was subsequently selected to take the place of Mr. Chintamani.

The sub-Committee met on the 5th, 8th and 9th December, 1930, and have authorised me to present this Report. The following conclusions were reached:—

(1) The sub-Committee ask His Majesty's Government to make a public announcement that the principle of separation is accepted; and that the prospects of constitutional advance towards responsible government held out to Burma as part of British India will not be prejudiced by separation.

[Mr. Mody and Mr. Shiva Rao desire it to be recorded that they cannot endorse this recommendation without qualification.]

(2) The sub-Committee are of opinion that the legitimate interests of Indian and other minorities must be safeguarded. They are not in a position to advise as to the particular form of protection these interests require. They consider that when the details of the constitution of Burma are being discussed, the fullest opportunity should be given to all minorities and to the Government of India to represent their views and to state the nature and extent of the safeguards they consider necessary. The sub-Committee consider that adequate attention should be paid to the question of immigration of Indian Labour and that provision should be

made for the regulation of the conditions of both the work and life of the immigrants. The sub-Committee also especially stress the importance of there being no discrimination as regards Indians entering Burma.

(3) There must be a financial settlement between India and Burma.

The questions are very difficult and technical, and the sub-Committee consider* that they should be dealt with in the manner recommended by the Government of India in paragraph 93* of their Despatch (Cmd. 3700).

The sub-Committee also recommend that when the case has been thoroughly explored by the experts of the two Governments, the statements prepared by these experts should be laid before the Standing Finance Committees of the Indian Legislative Assembly and the Burma Legislative Council respectively, and that representatives of these Committees should be associated with the experts in the proceedings of the Arbitral Board.

The sub-Committee also endorse the view expressed by the Government of India in paragraph 86 of their Despatch† regarding "the great desirability . . . of adjusting the relations between the two countries in a spirit of reason and mutual accommodation so as to avoid as far as possible the ill effects which might arise from so great a change in long established practice." They venture to express the hope that all negotiations between the two Governments, whether in relation to the financial adjustment or to other matters, will be approached in this spirit.

(4) The sub-Committee recognise that adequate arrangements must be made for the defence of Burma after separation, but they

* EXTRACT FROM PARAGRAPH 93 OF THE DESPATCH OF THE GOVERNMENT OF INDIA (Cmd. 3700).

"It is clear that the separation of the finances of the country will raise extremely difficult issues, requiring close expert analysis, in the decision of which it will be essential to hold an even balance between what may be conflicting claims. We agree with the local Government that the best method of approaching this difficult problem is to endeavour, by mutual co-operation between the Government of India and the Government of Burma, to draw up an agreed statement of the case for reference to an impartial tribunal. The subjects requiring settlement will be of a technical nature, and will include, besides the normal questions of the adjustment of revenue and expenditure, such matters as the allocation of debt charges and the adjustment of currency arrangements. No constitutional commission could deal satisfactorily with these questions, for its functions would be entirely different, as also its probable methods of enquiry. In arriving at a financial settlement the main point to be considered is the need for satisfying public opinion in both countries that each is being fairly treated. Indian public opinion would watch this aspect of burdens. We believe that a committee of the Privy Council would be the sort of tribunal most likely to satisfy Indian opinion. Their decisions could be given on evidence placed before them, assisted by expert witnesses, or possibly assessors, from India and from Burma."

consider that the precise nature of these arrangements must be decided in the light of expert military opinion.

(5) The sub-Committee note the fact that arrangements for the taking over of the administration of subjects now classed as Central in the Devolution Rules must be made by the Government of Burma. The sub-Committee recommend that it should be considered whether, subject to the consent of the Government of India and on terms to be arranged, the Government of Burma should continue to make use of certain scientific Services of the Government of India.

(6) The sub-Committee express the hope that it may be found possible to conclude a favourable Trade Convention between India and Burma. They believe that a Trade Convention would benefit both countries, and they think it important that separation should cause a minimum disturbance of the close trade connections that exist between the two countries.

(Signed) RUSSELL, *Chairman*.

St. James's Palace, London.

9th December, 1930.



Indian Round Table Conference

12th November, 1930—19th January, 1931

PROCEEDINGS OF SUB-COMMITTEES

(Volume V)

[SUB-COMMITTEE No. V (N.-W. F. P.)]

INTRODUCTORY NOTE.

Proceedings of the Indian Round Table Conference in plenary session, and in Committee of the whole Conference, are contained in a separate volume, the Introductory Note to which explains, briefly, the procedure adopted by the Conference.

Proceedings of Sub-Committees are contained in nine volumes as below :—

Volume I.—Federal Structure.

„ II.—Provincial Constitution.

„ III.—Minorities.

„ IV.—Burma.

„ V.—North-West Frontier Province.

„ VI.—Franchise.

„ VII.—Defence.

„ VIII.—Services.

„ IX.—Sind.

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INDIAN ROUND TABLE CONFERENCE.

SUB-COMMITTEE No. V.

(North-West Frontier Province.)

The sub-Committee was constituted as follows:—

Mr. A. Henderson (<i>Chairman</i>).	Sir B. N. Mitra.
The Earl Russell.	Raja Narendra Nath.
The Marquess of Reading.	Mr. H. P. Mody.
The Marquess of Lothian.	Sir A. P. Patro.
The Marquess of Zetland.	Nawab Sir Abdul Qaiyum.
Sir Samuel Hoare.	Sir Muhammad Shafi.
Maulana Muhammad Ali.	Sardar Sampuran Singh.
Sir Shah Nawaz Bhutto.	Dr. Shafa'at Ahmad Khan.
Captain Raja Sher Muhammad Khan.	Mr. C. E. Wood.
Dr. B. S. Moonje.	Mr. Zafrullah Khan.

with the following terms of reference:—

“To determine what modifications, if any, are to be made in the general provincial constitution to meet the special circumstances of the North-West Frontier Province.”

SUMMARY OF PROCEEDINGS OF THE FIRST MEETING OF SUB-COMMITTEE No. V (NORTH-WEST FRONTIER PROVINCE) HELD ON 18TH DECEMBER, 1930.

The sub-Committee had a short discussion on the best procedure to be adopted and on the time of holding the next meeting.

PROCEEDINGS OF THE SECOND MEETING OF SUB-COMMITTEE No. V (NORTH-WEST FRONTIER PROVINCE) HELD ON 29TH DECEMBER, 1930.

Chairman: If it would be agreeable to the sub-Committee, I propose to allow what we would call a Second Reading discussion this afternoon in order that we may have general guidance on the points of view of the respective speakers. Then at the close of to-day's discussion I shall ask the sub-Committee to decide what further procedure it will care to adopt.

As I promised at our last meeting, I have issued a paper* in which there is set out the important points which ought to receive the attention of the sub-Committee. I hope it will prove itself of some service to the respective members who desire to speak.

The meeting is entirely open. I understand that Sir Abdul Qaiyum wants to address a few remarks to us, and I shall be very pleased now to call upon him.

Sir A. P. Patro: Before Sir Abdul Qaiyum speaks may I make a suggestion for the approval of the sub-Committee? This is a very difficult and technical problem, and it requires one who has really had some experience of it to enlighten us and guide us. With the permission of the sub-Committee may I suggest that Sir Denys Bray, who has enquired into the matter previously and who has been in charge of it as Political Secretary in the Government of India, be permitted to make a statement so that we may know where we are with regard to the North-West Frontier Province. It is a very important question, and I am sure we should like experts like Sir Denys Bray to enlighten us by giving us their own experience and opinion. I know that Sir Denys Bray is not a member of the sub-Committee, but he is an advisor and I am sure, if the sub-Committee approve of my suggestion, that it would be very helpful if he would give us his views of the matter. We all know that he is an enthusiast on the subject. I quite agree with Sir Abdul Qaiyum in his desire, but how best to bring that about both to the advantage of the people and of the administration is a matter of our responsibility, and if the Sir Denys Bray could be permitted to give us his views it would be very helpful. For instance, I come from the South. I have read the reports on the subject and I have gathered some information from the Blue Books but all that will not help me to be able to guide or help the sub-Committee. I am quite sure that Sir Denys Bray who has been in close touch with the problem will be able to help us better.

Lord Reading: Sir A. P. Patro's idea is a very good one, but I would suggest that it would be better if we heard Sir Denys Bray a little later on. I have had the advantage of Sir Denys Bray's advice and assistance during a very critical period of years, and I know its extreme value. There is no better official in India.

Sir A. P. Patro: I was diffident to ask for your views, Lord Reading, and I put forward Sir Denys Bray in the alternative.

Lord Reading: You are quite right in saying that Sir Denys Bray is an expert in this matter, and in addition he has had the experience of the years since I was there. I would myself very much like to hear his opinion a little later on, but I suggest we might get on with the discussion and, if you approve Mr. Chairman, at a later stage we might ask Sir Denys Bray for his view, and no doubt we shall want to put some questions to him.

Chairman : That would fall in with my suggestion—that at the close of our discussion to-day we might consider what our procedure would be. If it was the desire of the sub-Committee at that stage to hear Sir Denys Bray we would probably hear him first thing to-morrow. Is that agreed. (Agreed to.)

Sir Abdul Qaiyum : Sir, I am thankful to you and to the sub-Committee for having given me this opportunity of laying the North-West Frontier Province case before you. I shall be very brief; I have not very much to say on this subject. It may look to be a very difficult, delicate, and most important matter to some of my colleagues from the South, but if they had only taken the trouble of going through the literature which has been issued on this subject—especially Sir Denys Bray's Report to which my friend Sir A. P. Patro referred, they would not have found it necessary to cross-examine Sir Denys Bray orally. His views are solidly put down in a Report which is before us, and I am confining myself entirely to that Report this afternoon. I could not put my case more lucidly before the sub-Committee than by simply handing in this book to anybody who has any doubts on any points.

The case, as I have said, is not a difficult one to understand. It is a very simple one as anybody will see who cares to study it. As a matter of fact the introductory memoranda which you have so kindly supplied to us for our deliberation give all the points which have ever been raised in connection with this problem.

Whether it is Imperial policy, or Frontier defence, or special circumstances—whatever objections could have been thought of by this sub-Committee or by this Conference have all been considered from time to time by experts, and their notes upon them were laid before the Bray Committee when it went from the North to the South and from the East to the West visiting every nook and corner of that Province. Who were they? They were people who had devoted the whole of their lives to that Province. Sir Denys Bray himself was quite a young man, if not a boy, when he was posted to the Province. He was First Assistant Commissioner of that corner of India, and during his charge of that Province for thirty-two or thirty-four years he was in direct touch with this problem—not only from the local point of view of an administrator but also from the high Imperial point of view. He was Chairman of the Committee which went into the case. Who was the Secretary of that Committee? It was another gentleman of the same service and with similar experience of the Frontier, having put in thirty-five years of the best part of his life in that corner of India. He was the Revenue Commissioner of the Province at the time the enquiry started, and he ended his service by holding the charge of that Province. Both of these gentlemen are still alive. Fortunately both of them are in the British Isles at the moment. One is even in this room. If my friend Sir A. P. Patro wants to examine them I shall have no objection, but I hope they are not going to change their minds after the experience of last summer. As a matter of fact the Chief Commissioner told me

in so many words that he was very sorry that the matter had been delayed so long that it had brought about those results. Even now the attack is waiting at your gates, but you do not seem to be very keen or in a hurry to settle the matter and to dismiss the attack. This is my plea for delaying no longer. It is not only strangling our hopes and our existence, but it is also costing you money if not blood. This is all I can say.

As regards these various items, what one is there which has not been given consideration to in separate paragraphs in the Bray Commission's Report?

It is said that there are five districts and the trans-border area, and the two put together makes the case very complicated and very difficult of solution. I am a practical observer—an observer on the spot—of those difficulties, and I would not deny that there are difficulties. This very question was put to me in the Assembly last time by the present Foreign Secretary, and I replied to it that I could not see any insurmountable difficulty. Difficulties there are, but there are difficulties in every walk of life. Even in the South in Madras there is the difficulty of the Brahmins and non-Brahmins—a question much more difficult to solve than the trans-border area and the five districts. I do not think there is a single difficulty which is not solvable. I would suggest the solution of all and every one of them in just a few words, and my solution of them would be from the practical point of view, because I also have spent the whole of my life on that Frontier, not only in the Government Service which I entered in 1888, finishing in 1919 (during which I did not miss a single expedition on the Frontier for all of which I received some sort of recognition), but in my personal and private capacity. It is on the strength of that experience that I am speaking to-day.

Having said so much, the first point before us is whether the settled districts should be separated from the tribal area. That subject has been fully discussed in this document which I have before me. I was one of those who said that they should not be separated. Whether they can be separated or not is another matter, but I say it is better that they should not be separated. I was the first to be examined, more or less with the concurrence of everybody who was there, by the Bray Commission. I was the first witness, and I laid the case for the Province before that Commission. What was the last sentence? The last sentence of my statement was that if for any unknown reason it was not found possible to introduce a full fledged Province—(phrases and terms are always changing; in those days they used to say the whole paraphernalia of constitution)—then the people as a whole would rather like to go back to the Punjab and be amalgamated than to lose their right of civil citizenship.

Here is one little secret word which I should lay before the sub-Committee, and which ought to solve all our difficulties. Both the Hindus and the Mussalmans never spoke a word about ability or education, and so on—nothing at all. The point at issue was

whether we should go back to the Punjab or whether we should form ourselves into a separate full fledged Province. According to the Hindu idea then prevailing, we were quite fit to go back to the Punjab to work those reforms which were in existence in the Punjab, and that the settled districts could be separated from the rest of the tribal area.

As regards the Mussalman population the shrewder of us, the clearer of us, the more intelligent of us, and the leader of that group, Mr. Sa'adul Din Khan, who is the present day Additional Commissioner of the North-West Frontier Province, all say "Mind, they will find it very difficult to set up all this machinery in this Province. Why not take the easier course? Put the whole demand that we want, of amalgamation with the Punjab." We repented, and I repented, because I was the leader of the local Hanedi, and I said, "No, it will look very funny if we have a small Province of our own." There were many secrets, but we thought that we were going to be linked with the fountain head by some ties—you know what I mean—like the proposed Damascus oil pipe. Well, that was the idea. We thought, "Oh, there are plenty of services",—"If you are to take dust, take it from a big amount." So we linked ourselves. I will not refer to any other persons who are aspiring to better conditions at the present day, but, however, we made a mistake, and we thought, "We shall get all that we want now".

Well, time passed on and our first experience was a funny thing. When we were separated we were not given any share in the property of the Colony lands. Look at them. After thirty districts then comprised in the Punjab, five districts had at least some share in the common land of the Colonies. Not an inch of that was given to us. What an iniquity it is that even our people serving in the army and retiring there were told, "You cannot be given land from the Colonies because you are not a resident of the Punjab." People who are fighting shoulder by shoulder with brothers will be denied a share in the Colony because unfortunately, by a stroke of some pen or some whim, they were separated from the Punjab and lost it and had no share in the Colony land.

What were the services we used to get? Laymen with quite a small education got to the top of the services, and a man was appointed minister in Bahawalpur, and was recommended for a high position. But now-a-days that unhappy Province is not thought fit to send people even for the British Embassy at Kabul, because we have identified ourselves with the Frontier Province, so that they hate us like poison and the Amir of Kabul told me, when my name was suggested, that a man who had been recommended for these things at the age of 32 must be a Christian in the guise of a Muslim. We lost those services.

We are all Khans with historical traditions We were part of this Province in the early days. My friend over there, the Raja Sahib, knows how many of us were given the Statutory commission. When it opened to the Punjab, was it thought that we

were being given more than our proper share in the Imperial services? No. They said that physically, intellectually, traditionally, and for various other reasons, we were fine people, and we had our European rights. It is now, after the lapse of that time, that the Punjab has got some opportunity, since they got rid of these idlers from the North—I should call them capable people from the North—and they have improved their position. Our case is, I do not think anybody is likely to take us back over there, and I would not press that, because why? Ten years more possibly will be spent in considering this question whether the Punjab is prepared to take us back or not. I want to think that it will be settled once for all as early as possible; but there is one little suggestion here. I give you a guarantee that if that question was put to the people of the North-West Frontier Province scarcely one per thousand would vote against it, if even that one per thousand. That is the solution, but (Persian proverb) . . .

“A fool does the same thing as a wise man may do, but after a thousand years.” Well, we do not want to delay this; otherwise that is quite a fine solution for it. And why is it my solution? I wish there had been a map of this Province. The construction of the Province was a whim of somebody at the time of Lord Curzon. Lord Curzon could not have gone from inch to inch on the ground, and his successor, the noble Marquess here, could not have done so. He may have flown over the territory. Twice, I think, he visited it during his residence, and perhaps another member of this Committee has flown over those hills; but the bird's eye view of these things seldom gives an opportunity to people to learn the position. What is there on the trans-border area?

(At this point copies of the map of the N.-W. F. Province in Vol. I of the Simon Commission Report were circulated.)

Perhaps the Chairman may like to look at the map. I may be able to explain it. The present North-West Frontier Province was composed of two divisions of the Punjab. One was called the Peshawar Division and the other was called the Derajat Division. The Derajat Division had three districts. One was Dera Ghazi Khan, and the other was Dera Ismail Khan. The Peshawar Division had the same districts under it as at present, except that there is a little cutting. Dera Ghazi Khan is surrounded by the same tribesmen, at least on one corner, and those turbulent people are even more feudal than the people in my Province. That is again a very strong point to be considered. That is more feudal. Everybody at this table, especially the officers, know that Baluchistan is still more or less feudal under their feudal laws. That district, with its feudalism and feudalistic ideas, and bordering on the same turbulent tribes as my district, at least at one corner, is adjoining the Punjab. . . .

The present administration of the North-West Frontier Province has not yet found another road or means of communication between

its headquarters and the headquarters of the Hazara District, and they have to pass through that; and that says a good deal for that word "terrain"—military terrain. The military terrain is through that tahsil. The headquarters of the Northern Army is at Rawalpindi, and the troops have to be imported into Peshawar from Rawalpindi. Rawalpindi is the head base, the first-class base, the headquarters of that army, and the next outpost, as we may call it, of that army is at Peshawar, and they have to pass through that, the trains and the various things. As a matter of fact, the whole country beyond Jelum is a terrain for this expedition if there is any necessity for it. All this North part of the Punjab is under the same conditions as we are; there is no difference. The troops have to move about, but, as I said the other day, when you have to decide for a forward or backward policy or any expedition or anything of the sort, that thing will be decided at the centre, and when you find the men and money for carrying out that expedition, will that be the concern of the North-West Frontier Province only? Well, if those people supply you with men and money, the whole of India becomes your terrain for that purpose. Even my friends of Central India will not be free from that. There are many garrisons and many cantonments there. Well, the garrisons are not to be removed, the cantonments are not to be changed, the roads are not to be blocked, and my ambition in life, which I will deal with later on item by item, is that I should like that tribal area to be civilised. I do not attach very much value to this word civilisation; it is a very ambiguous term; but if the world is to be flooded by what is called civilisation—well, whether it is materialism or selfishness, or God knows what it is, there is such a thing as civilisation, so I should like the whole of the tribal area to be taken in that direction. As early as 1877 the Viceroy said in his note, "It is shameful for a highly civilised government like ours to be so indifferent to the trans-borders of India. We have not improved their conditions. If that is their policy we welcome it, we support it, we own it;" but what do you do? You simply treat us like bad boys. When they commit a mischief you punish them, but when they want extra tuition you say "Oh, no". But whether you did so in 1877 or not, you did undertake certain definite responsibilities in 1893 by the demarkation of the Durand line, and what have you done towards the civilisation of that? I was directly concerned with the Durand Mission from its inception, and when it was being demarcated from Bannu right down towards Waziristan I happened to be there. We thought we were going to civilise those people, we thought we were going to do them some good; and what have we done? At least the Amir did what he could for whatever small tribes fell into his power. Whether it was coercion or whether it was uplifting, or whatever it was, he applied the word "civilising" to them. Whatever civilisation his country had, he applied it to these people. But what about your people? You still treat them like step-sons. Then what justification have you got for claiming them to be under your sphere of influence? If there is any justification for your claiming that they

are under your sphere of influence, why do you say in this Memorandum which you have sent to us that it is India but not British India? What sort of India is it? India of the Hindus? India of the Muslims? India of the Christians?

Dr. Moonje: No-man's land.

Sir Abdul Qayyum: What India is it? Some of you may make a claim over to Central Asia. You may call it India, but it is not British India. At one time people thought there was going to be another Central Asian Empire. Well, perhaps it will be linked to that, but that idea is not very practical just now; and if it is to be a part of the present-day India, then apply the same so-called civilisation to that people, bring them up to that level, or is it going to be a cancer for ever? What other measures have you suggested for bringing them up to the same level? In my opinion the same conditions should apply to the whole of India. Why should you deprive a man of his civil rights, of ordinary citizen's rights. I think the difficulties are surmountable; they can all be overcome without much difficulty. If we do not want any reform, then you must be prepared to meet the cost of building new roads and adding to the expenditure. The moment we ask for reforms, then there is expenditure to meet this and to meet that. The expenditure seems to be going up during recent years. Can money be found for an expedition to punish those people for their misbehaviour, and can it not be found for their education? That is a simple problem. You want money to punish them; even now there is money being spent.

They are foolish, I admit; but are there no other means of conquering their prejudices and suppressing their turbulence? Is there not such a thing as peaceful penetration? There is such a thing as peaceful penetration, penetrating into the hearts of the people. Do not frighten them by telling them you are going to locate a post here or a post there. Let us see if we cannot find a better way of dealing with the situation. There is education, and the mention of that reminds me again of that great man Sir George Roos-Keppel, who, when he opened the College, wrote to the five Agencies and said, "You will have to spend Rs. 150 a month on the education of your boys; you will have to send from five to ten people to be educated, to get to know one another, and to come under the sway of civilization." What is being done about that? I am not a Political Agent now, but I think that subsidy has already been spent on some new road or some new construction—God knows what!

Have you ever tried that? I do not know if my estimate is correct, but I should say that taking a rough estimate 40 crores of rupees have been spent and 40,000 troops employed within ten years on the Waziristan border alone in the ten years from 1919 to 1929. Let us take that figure for the purpose of my argument. Assuming a rate of interest of 5 per cent. on that sum of 40 crores, the interest will amount to 2 crores. I could bring these people under the sway of civilisation—I could —

something approaching slavery—with an annual expenditure of 2 crores. I am sure that I could do it, and even if I cannot there are others who would be able to do so.

I should like to turn for a moment to my friends from India, my Hindu and Muslim friends. Who is paying this bill? I am not paying it; it is you my Indian friends, who are paying this bill and who have been paying it all along. If you have any care for your money, you will give the method that I suggest a trial for some time. Give them civilisation; give them education. I do not assert for a moment that nothing has been done. Both I personally and my people are grateful to the British Government; the trans-border people as well as others are grateful for what has been done, but I cannot deny the fact that more might have been done; much more could have been done.

Some time ago I took one of the Indian Princes round and showed him the position, and he turned to me and said: "What have you been doing to bring about a more permanent understanding?" I gave him certain information, but it did not satisfy him, and he at once came to the question of education, and said: "Have you been giving education to them?" I said: "They are against education." He said: "Perhaps you have been putting a book into their hand and telling them to read it, and it may be they dislike that; but education can be given in many other ways." By education and opening up the roads, as you have done in the Waziristan, something may be done. You may remove estrangement and bring about a more peaceable situation. It is true that these people were first conquered by the Army, but it is now necessary to devise some other method of maintaining relations with them, and by education and in other ways a good understanding may be brought about.

You must make these people value their life; you must teach them to appreciate comfort; you must teach them to take an interest in what is going on in the world around them. Give them ~~some~~ practical education, and education along those lines and they will not throw away their lives so easily or hold life so cheaply. What is their present condition? Some time ago I had to take up a case in which two or three sheep were stolen and four people killed. I began to tell them my philosophy, saying "Is this right?" and "Is that right?" They said "The life these people of ours had to spend could not be spent at home in their beds." That is the fatalism which they have at present; but if they were more comfortable in their homes, if they could get better food and better clothing, they would not go in for raiding.

I assure you, Sir, that these trans-border people go to Australia to work, and your Army is full of them. My husbandry work in the settled districts is all done by them, but the small number who remain at home cannot get a living. They have rifles to protect their homes; they need them for their own protection, and so they find their way to a neighbouring village with them and get some-

thing! But those who earn a wage at Karachi do not do it. They do not shoot a police officer, for instance, for pleasure; they take to these things to satisfy their hunger. There is no political crime. In the olden times we used to have fanatical outrages, but they are now a matter of history. The noble Marquess will tell you nothing of that kind has happened since, I think, 1893. It is only a question of bread and butter, and if they can get that there will be no trouble.

I am afraid I am so full of this subject that I have prolonged my remarks somewhat, though I promised to be as brief as possible.

Sir A. P. Patro: What are your proposals, Sir Abdul?

Sir Abdul Qaiyum: Give us a constitution on an equal footing with the rest of India.

Lord Reading: What would you do with the Executive? How do you propose to deal with that?

Sir Abdul Qaiyum: I am just coming to that. Give me a constitution which will not put me on a footing of inferiority as compared with other parts of India. We are small and insignificant and apt to be forgotten; we cannot come to Parliament again and move this huge machinery to revise the Government of India Act for us, and God knows what the next Government will be, or what the third Government or what the fourth Government will be! It is not an easy thing to revise the constitution. Give us rights of equality in your constitution like any other Province. If you find any difficulty and can convince me of it—and I honestly tell you I shall be open to conviction—then, if for instance there are certain things which may give rise to anxiety, perhaps they may be guarded against for a short time; but provisions to that effect should be made in a thing I have learned of here for the first time, the Instrument of Instructions or the Rules—God knows what it is called! It is quite new to me; I never heard of it before. Let any such provisions be made in the Instrument of Instructions or in the Rules under the Government of India Act or in some other way whereby those things may be temporarily under the control of the Governor-General in Council.

As far as the Local Government is concerned, I was a silent member of the Provincial sub-Committee, and I think we made certain provisions for safeguards there. Some may not have considered them adequate, but I think they were adequate safeguards and would do for our Provincial Governor. By the way, I am not calling him a Lieutenant-Governor; I will cut out the word "Lieutenant"; I want a Governor, no matter what you pay him. Whether you pay him less or more, at any rate call him a Governor.

Sir A. P. Patro: May I ask another question? What is your criticism of the recommendations of the Statutory Commission and of the recommendations of the Chief Commissioner? The Chief Commissioner is now on the spot, and we have his memorandum to

the Government of India and the recommendations of the Government of India. Have you any criticisms on that?

Sir Abdul Qaiyum: Thank you very much, but what are your objections to the Simon Commission? If you are pleased with it, I am pleased with it!

Sir A. P. Patro: I am referring to the recommendations with regard to the North-West Frontier Province.

Sir Abdul Qaiyum: That is past history, my dear fellow. When the Bray Committee made their report, we might have been satisfied with what the Bray Committee recommended, for it was more than we expected at that time, since we were so out of touch with things. We should not be satisfied now with the recommendations of the Bray Committee. Similarly, if you had not criticised the Report of the Simon Commission but had been satisfied with it we should not have been meeting here and I should not have had a chance of bringing our case forward. As it is, I want to share in any revision that you may get.

The Simon Commission was only eyewash. Just tell me two things—and they are very pertinent things. They want us to elect half the members of the so-called Council, which is really no better than a District Board. But who will elect those people? People who will themselves be nominated! That is what the Simon Commission recommends. While the Simon Commission wants half the members to be elected, it wants them elected by those who themselves have been nominated, and the Report also says that the experience of elections has not proved very satisfactory. There they have rather given themselves away. When I brought this matter to Sir John Simon's notice the other day in London, it may be that he did not like to discuss it with me. He visited us in November, 1928, and certain elections took place in a municipality in 1929, a year afterwards, yet he closed his Report with a statement that the result of elections as introduced in a certain area was not satisfactory. Who could have supplied him with that information except some local official or some local interested person? Is it worthy of a Commission, and of a Statutory Commission composed of distinguished persons, to quote private information as to the unsatisfactory nature of elections? That is the kind of report which you have got. In the Assembly I said to them "You do not care to change even a comma of what has been supplied to you in the form of your Report for the North-West Frontier Province." I said that to Sir Joseph Bhore.

I look upon the Report of the Government of India as a great advance. It is not the goal, but it is a great advance, and I think on the whole they have treated us well, but it really comes too late. I may be prepared personally to accept what they suggest, but the people on the spot may not be satisfied with anything less than an ordinary Provincial Legislature on the same footing as the rest of India so far as the constitution is concerned. I must reserve my right to discuss the matter when the time comes, but with regard to the suggestion of the Government of India as to . . .

Sir A. P. Patro: They are the suggestions of the Chief Commissioner.

Sir Abdul Qaiyum: We had better take the views of the Government of India, because the Government of India seems to be much more broad minded than the local Chief Commissioner. The suggestion of the Government of India is this. They say they do not want to introduce dyarchy, but they want to have one official Minister and one non-official Minister. I do not want dyarchy to apply to us either, and this is a very important point as far as the Executive is concerned.

Under that perhaps many things will be fairly safe—even law and order, if we had one official man for some time. But it ought to be made quite clear in the Rules that in future the withdrawal of these restrictions and safeguards will lie with the Governor-General in Council. Let him withdraw these conditions as time passes. Let some of the nominations disappear after a little time. Let one or two things, such as the Constabulary, be withdrawn later on as we get the experience.

What I cannot understand is this. Are you going to withhold powers from the Government of India of introducing any emergency measures? If so—if you are prepared to do that which I consider very dangerous in the case of India, then I shall have to reflect whether I am prepared to accept that.

Sir A. P. Patro: You propose that emergency powers shall rest with the Governor-General?

Sir Abdul Qaiyum: I will try to put it more clearly. I consider that there will be some emergency powers for the Viceroy and Governor-General for the whole of India, including the introduction of martial law. Some such emergency powers will be necessary, because the conditions which apply in my small Province do not apply elsewhere in India. There are important and grave relations between the trans-border area and the settled districts. There are other Frontiers on the East. There are other difficulties. If you are going to allow the Viceroy and Governor-General some special powers, I shall be prepared to accept them; I shall be rather delighted to accept them.

• *Chairman*: Do you refer to special powers under normal circumstances, or to emergency powers under abnormal circumstances?

Sir Abdul Qaiyum: I refer to both. I will be prepared to give him both, and if, after that, you are able to convince me that any particular thing existing in my Province is to be safeguarded, I should be prepared to agree to some special extraordinary powers being given to the Governor. The Governor is in direct connection with the Viceroy, and if you were to give it to the Governor I would not mind, but it would look nicer if it were left with the Governor-General, because I do not want any differentiation between my Province and my Governor and the rest of the Indian Governors. I have to satisfy the people who are just behind me. I want an announcement to be sent. "We have decided to give you

equal rights," whether it tastes sweet, or whatever it tastes like; but the announcement must go to these people that the stigma of inferiority has been removed from them. That will help us all and will relieve me from my life-long worry, and it will relieve you of a good many inconveniences. Therefore I say, Provincial constitution applicable to the North-West Frontier Province *in toto*. If after discussing this item by item you can convince the sub-Committee that there is one thing which is special for the North-West Frontier Province which has to be guarded against in that area, then I will not be closed to conviction; I will be quite prepared to accept the position as it is. But vague terms as put down here, such as policy, and foreign policy, and relations and defence are meaningless.

Chairman: We want you to tell us how you would treat these very important questions.

Sir Abdul Qaiyum: Are you going to hand over foreign relations?

Chairman: We would like you to tell us how you would treat the problem of defence.

Sir Abdul Qaiyum: Defence does not lie with me. It lies with the whole of India. Are we going to defend the Province by ourselves, or shall we get supplies of men and money from the rest of India? And if men are supplied, will you put them in trains and send them up to our Province so that they will grow up like mushrooms.

Chairman: Not quite!

Sir Abdul Qaiyum: We do not want to remove the lines of communication, and if you can open them out we shall be prepared to find more labour. You are trying to get labour for your people, and we are trying to get labour for our people.

Sir A. P. Patro: You want the defence policy to remain as it is to-day, in the hands of the Government of India.

Sir Abdul Qaiyum: I will not come to loggerheads with you over it. You are always bringing up this question of defence against me. You are defended by the British Navy, but you never raise the question of meeting the cost of the British Navy.

Sir A. P. Patro: I fully sympathise with you; I am only trying to elicit information from you.

Sir Abdul Qaiyum: It is not the only border which has to be defended. Three sides of the sea have to be defended, and you have not been bearing the proper share of your cost of the Navy.

Sir Samuel Hoare: We should like you to tell us more about this very interesting question of defence. We have all been very much interested in what you have said. The point which is rather sticking in my mind is this: it seems so very difficult, in the conditions of the North-West Frontier, to draw a distinction between civil unrest of various kinds and something which develops very quickly into a military operation. I need not explain it to you,

because you have had so much experience of that kind of thing in your career, but it does seem to me, in view of that, very difficult to see how you can have law and order in the hands of one person, and the military side of it in the hands of another. I should have been afraid that there would be delay resulting from that, and that you might then have had the civil troubles, which have always broken out on the North-West Frontier, developing into a series of military operations, and great delay taking place. Can you tell us a little how, in your scheme, you intended to manage law and order under the kind of constitution which you have suggested, without impairing the military and the defence side of it both in the districts and in the trans-border area?

Sir Abdul Qaiyum: I will try to explain it, if I may. Is not military and civil administration separate at present? Is not the one managed by Army Officers under the Commander-in-Chief, and is not the other under the Viceroy, on the civil side, assisted by local Chief Commissioners and local G.O.C's?

Sir Samuel Hoare: Would not it be fairer to say that both are directly under the Viceroy, as it is now? I should not have thought there was a division now, but that both of them are directly under the Viceroy.

Sir Abdul Qaiyum: In what sense? Do you mean that the Civil Governor requisitions the Army all at once, without referring to the Viceroy?

Sir Samuel Hoare: No—that the Viceroy is in unquestioned control of both of them. There is nothing in between him on the law and order side than the Governor acting direct with the Viceroy.

Sir Abdul Qaiyum: What would be the difference in future? I cannot see any.

Sir Samuel Hoare: I am asking for information. I should have thought the difference in future would have been this: supposing you do get your Provincial autonomy, law and order then would come under a Minister either responsible or not responsible to the Assembly. I should have thought that would have introduced a new complication into the problem.

Sir Abdul Qaiyum: The whole Province will be under the Governor-General and managed by the Centre. In that little tiny Province are you going to give him full autonomy without any connection with the Centre? Will there be no control from the Centre over this little tiny Province?

Sir Samuel Hoare: Perhaps it would be better to take it in detail. On the question of law and order, who would administer all these various police forces which now exist either in the trans-border area or in the settled districts?

Sir Abdul Qaiyum: The trans-border area is quite different. The trans-border area is something like the native States. You have not interfered with the native States so far. Personally I should like the civilising part of law and order to be introduced.

However, it is not yet introduced. All the affairs of the trans-border area are managed by the political agents under the direct control of the Chief Commissioner as such.

Sir Muhammad Shafi: Apart from the ultimate responsibility from a constitutional point of view of the Viceroy, in normal conditions who is it who controls law and order even now in the existing conditions in the North-West Frontier Province? Is it the District Officer, and the District Superintendent of Police, the Inspector-General of Police in the North-West Frontier Province, and the Chief Commissioner; or is it the Viceroy?

Sir Samuel Hoare: Surely the Commissioner acting in direct touch with the Viceroy?

Sir Muhammad Shafi: My point is this. Apart from the constitutional responsibility of the Viceroy in so far as the actual control of affairs from day to day in the matter of law and order is concerned, is it the Viceroy who runs the show? Is it the District Officer, the Collector, the District Magistrate, the District Superintendent of Police, the Inspector-General of Police and the Chief Commissioner? In normal conditions are existing state of things will continue. It will be the District Magistrate, the Superintendent of Police, the Inspector-General of Police and the Governor who will be in control of law and order—in normal conditions; I am not speaking of abnormal conditions.

Sir Samuel Hoare: Is it really quite the same thing? It seems to me it is not. In the one case the various police organisations are the agents of the Provincial Assembly acting through the Provincial Minister. In the other case they are the direct agents of the Viceroy. That appears to me to make a difference.

Sir Muhammad Shafi: Constitutionally, of course, it would make a difference. I agree; but my point was different. Constitutionally the position now is different from what the position will be if reforms are conceded to the Province. I quite agree. So it will be in the rest of India. When full provincial autonomy is granted to the other Provinces of India the position will then be different from what the position is to-day constitutionally. That is not the point. My point was "as a matter of fact".

Sir Samuel Hoare: "As a matter of fact" was the angle from which I was approaching it.

Sir Muhammad Shafi: At present, in spite of the fact that the ultimate responsibility rests on the Central Government or the Viceroy, who is it who, as a matter of fact, from day to day is in control of law and order in the North-West Frontier Province? Is it the District Magistrate, the District Superintendent of Police, the Inspector-General of Police and the Chief Commissioner of the five Districts; or is it the Viceroy—as a matter of fact?

Sir Samuel Hoare: I am afraid, even from the point of view of matter of fact, you do not entirely remove my doubts.

Sir Abdul Qaiyum: I am a layman and not a constitutionalist, so perhaps my reply will be more satisfactory! I understood that you thought that under the present conditions, as far as defence was concerned, the civil administration and the military work were together under one person at one and the same time. That is not the case. The command of the Army and troops lie in a separate person. The ordinary working of the administration is through the Chief Commissioner. Whenever any ordinary requisition arises for the employment of a police force, even including the Frontier Constabulary, it is the Chief Commissioner who is approached by the Superintendent or by the Deputy Commissioner, or whoever it is, and he decides about the employment of that force in larger numbers, if it is not an ordinary case. When anything extraordinary happens, requiring the use of troops, in that case higher authority is required, and that higher authority must rest with the Viceroy. That is the simple proposition as I understand it. If you allow a local officer—a district officer—to requisition troops or to employ any extraordinary machinery, you will be repeating the Peshawar case of the 23rd April. The City Magistrate says: "I can control the situation," and the District Officer says: "I must import armoured cars into your crowded city." That is idea. You must decide for yourself, but if you allow the local official to manage these things under the direction of the Chief Commissioner, it still ~~exists~~ it will exist whether there is a minister over it or whether there is not a minister. Do we understand that a raiding party has arrived in the neighbourhood and is raiding a certain village, and the inspector of police hears about it, and that he will say, "Wait until I have approached the Chief Commissioner, and until he has consulted the Council, and until the Council has decided whether it is to be intercepted or not"? That actual authority of using that force will rest with the immediate officer under the direct control of the Chief Commissioner.

Mr. Mody: May I ask a question? The Government of India dealt with the whole position briefly, and, as has just been said by Sir Abdul, sympathetically also. I understood Sir Abdul Qaiyum to say that he personally had not much objection to the recommendations of the Government of India, but that he would like those recommendations to be altered to suit his own particular ideas. I think it would be convenient if Sir Abdul Qaiyum would let us have a note of the particulars in which he would like the Government of India recommendations altered. If he does not want to answer, now, he might perhaps let us have a note later. I realise that the Simon Commission Report has gone by the board, but the Government of India Despatch holds the field, or we would much appreciate Sir Abdul Qaiyum's criticisms of the Despatch; but may we take it generally that the Despatch represents the opinion of the North-West Frontier Province?

Sir Abdul Qaiyum: I wish I had not used that word "sympathetically," because that was only personal emotion. I was

realising the difficulties of the official machine, and how difficult it is to move it, and I appreciated it in that sense. There are many points in the Government of India Despatch which I should like to discuss when we go into details. I am not prepared to accept the Government of India's figures with respect to numbers and special powers and various details, but I am glad that one thing is there, and that is my charter now—that the position in that Province has been realised by the Government of India, and that they really believe that a discontented Province will be a loss and that a contented Province will be a gain, and that the matter has been too long delayed. Those two or three points are really most valuable to me. As regards details, if you raise any of your points and put them into the form of questions, I shall be prepared to answer them. If you would prefer that I should touch those details in a small written note I will do so, and lay it before you.

Mr. Mody: Take one of the central features of their recommendations—namely, the composition of the Executive, one official minister and one non-official minister. Are you agreeable to that constitution?

Sir Abdul Qaiyum: If you will drop the word constitution I shall be agreeable. I do not want any distinction to be made in the constitution. I should like the Province to be treated exactly as one unit of India.

Lord Reading: The difficulty that occurs to me in listening to you, as I often have done in the past—and I know your great value on these subjects—is touched upon there. You say you want the constitution—or, if you do not like that word, the government—to be just as that of the other Provinces, and you really want that in the main to get rid of what you called the stigma of inferiority.

Sir Abdul Qaiyum: Yes.

Lord Reading: You want to be put in the same position as the rest of India, and as they are going to get these great powers you want to have the same, and it has been a burning question for a long time. Now, the position is, from the point of view of the Government of India—only to deal with that—that they recognise that the time has come when there must be a considerable advance, and so far for the moment I will assume that that is right. The difficulty arises here. It is not a question of inferiority. The difficulty in giving exactly the same powers in the North-West Frontier Province as in the other Provinces is because of the geographical position of the North-West Frontier Province and because of the very special conditions which apply to the North-West Frontier Province, with all the difficulties that exist, as we know, with frontier raids, and so forth; so, as it seems to me—I am only expressing my own view; I think it is the view of the Government of India, too, and of everybody who has reported on it; it is very striking that all the reports that I have read take the same view—the Bray Committee, which I appointed, then later the Statutory Commission of Sir John Simon, the Indian Central

Committee, and later the Government of India Report, including the Chief Commissioner's Report—everybody is agreed, and I think you are (you must be from your unique experience there) that the North-West Frontier Province is a very special Province; you cannot apply general laws to the North-West Frontier Province as you would to other Provinces, and what I suggest to the Committee is that our problem is to try to find how we are to give effect to the very natural desire of the North-West Frontier Province to make an advance and to get rid of this stigma of inferiority whilst at the same time preserving the special position that must apply to the North-West Frontier Province, and which must mean that in a number of subjects, a number of considerations in which you give effect to the Provincial view in the other Provinces, in the North-West Frontier Province, you must keep them as Central subjects because you do get such an essential difference. The point was put by the question which Sir Samuel Hoare has just put, which has been puzzling me a good deal. We shall have to try to see how to deal with it. Take, for example, the police. I am not going into the different kinds of police that there are, but the police, law and order, we assume, will be transferred in the other Provinces to the Province. To transfer law and order bodily to the North-West Frontier Province seems to me an impossibility, because you would be immediately complicating and confusing conditions there, and in a place which is the very centre of danger to India, which must obviously be the most dangerous spot for India. Now, what I want to find out, and I would be glad if you would help us upon it, is how much could safely be given to the Province—that would mean to ministers, assuming that ministers are constituted—without interfering with the administration generally of the Frontier. I could understand this, for example—some difficulty arising, some local trouble, purely local, it may be between two or three men fighting over a woman or something of that kind, or over gambling. I can quite understand that the local police may be perfectly able to deal with that; but then, that is a very simple matter, and, of course, it is very often difficult to distinguish as between what is a simple and what is a complicated matter, especially on the Frontier. On the other hand, you may have the other kind of case, which you know so well, in which some difficulty arises, some of the Frontier tribesmen have crossed over from the Frontier, crossed that imperceptible border and got into part of British India, the North-West Frontier Province, mixed there with the people, some sort of a signal given, some trouble arises; at first it may look merely a row between two or three men, but you suddenly find, very suddenly and quickly, as you know, that it is a more serious thing than that, and that it either involves a raid or some feud in which a number of persons are engaged, and which is a more serious matter than a mere local squabble. The difficulty arises in administration as to how that is to be dealt with. If, of course, the Executive power remains with the Chief Commissioner as it is at present—I am only speaking of at present—there is no difficulty. He is the agent of the Governor-General, he

has got all the powers behind him, subject to the direction of the Governor-General, and he has sub-agents; they are all under orders from the top, and so no difficulty occurs at all. It may be in some cases that it is necessary to consult the Governor-General. In most cases, as you and I know, it is not; the matter is dealt with at once, and then a Report is sent, and if it gets more troublesome, as it may do, further orders have to be sent; but in the generality of things they are dealt with under the general discretion which is vested in them to keep order. But, you see, it is very difficult to draw the line between the two, and the difficulty that is confronting me, trying to give effect to your views, is to see how you can transfer law and order in this particular Province. The difficulty is, I think, very, very great. You really cannot separate the keeping of law and order in the Province from the difficulties that arise in the trans-border, they are so mixed up, except in the very small matters to which I have made reference. Have you thought of that at all, because I think to most of us it is the puzzling matter. There are many other matters which are smaller, which we can all deal with later, but I do really think—at least it seems so to me—that this is the crux of it. Can you do it, or must you say at once, “In this Province, whatever else you may do, you make your Legislative Council and you have your ministers, but nevertheless you cannot transfer law and order”, or is it possible to transfer a portion of the law and order so that that might be dealt with by the ministry, reserving all the rest? My difficulty is to see how you can do the second.

Sir Abdul Qaiyum: I will try once more, if I may, confining myself to the question of law and order. If any one were to go on the spot, and see how the law and order works there, he will not find much difficulty in following my statement, but I am not sure if many people know the circumstances as they exist on the spot, and so I will put it. From time immemorial two kinds of police have been employed in that Province. One in the olden days used to be called the Border Military Police, and the present name of that police is the Frontier Constabulary. Then there is what we call locally the Black Police, a nick-name given to it because it deals with black things, crime and so on; in other words we call it the Imperial Police. They are two distinct bodies. They have got two distinct organisations and they have got two distinct commanders, separate commanders. The one is run in the form of armies—companies, battalions, squadrons—and they are commanded by a commandant, not by a superintendent of police as in the other police. The police officer has got this adjutant, his quartermaster, his various other officers, and the people who run them are called subadars, subadar-majors, and so on. They are semi-military; they are army officers. Well, those are the people who run the Frontier Constabulary, and the Civil Police, we will call it, or the Imperial Police, is under the Inspector-General of that Police, who is the head of that department under the Chief Commissioner. They have got the organisation of superintendents

of police, assistant superintendents of police, deputy superintendents of police, and so on. Their jurisdiction is quite different. Their limit of jurisdiction is very much defined. Their territorial jurisdiction is also very well defined. The border-police is posted on the border line inside the boundary, in what are called Constabulary posts, and their function is confined to checking raids and pursuing raiders on their return, to check them from entering into British territory and to pursue them when they have been there. They are all linked by telephones and things, and they are patrolling the uninhabited parts of those territories on the border line. That is the Constabulary mentioned by the Government of India and the Chief Commissioner in their Report. They realise the difference. As far as the other police is concerned, it is a poor little thing—half a dozen men posted in one police station for investigation purposes. They are neither able to intercept raiders nor even to defend themselves in their little post if attacked by those raiders; they have simply to shut themselves up in their police station, even if they happen to be near a city, and there is a very fine couplet in Pushto, "Look at the tor policeman. His first duty is to defend his own person."

The poor fellow is very good after the occurrence has taken place and he can go with his handcuffs and put them on, but it may be said, "No, your father was connected with this murder and your mother was connected with this murder." It is very fine to tease people in this way!

The functions are quite different. I shall not oppose it at all if the Frontier Constabulary are to be left under the charge of the Chief Commissioner as a reserved subject. That Constabulary fulfils certain duties. Side by side with them, sometimes at a distance of 50 to 100 yards, there is another line of posts held by the Frontier Militias belonging to the Agencies. There is an imaginary line between, and on one side of that line there are the posts of the Constabulary and on the other side the posts of the Tribal Militia. The jurisdiction is quite separate, and that will remain permanently under the Political Agent. This Frontier Constabulary will remain under the Chief Commissioner as a reserved subject. This Constabulary has no right to interfere in the investigation of crime; it is simply for defence purposes. That is quite clear and that is the distinction. I do not think that the investigation side must necessarily come as a reserved subject under the Chief Commissioner.

Sir Samuel Hoare: What sort of numbers do they consist of? There are about 6,000 Police in the North-West Frontier Province?

Sir Abdul Qaiyum: Yes.

Sir Samuel Hoare: What sort of number would there be of these poor little black police?

Sir Abdul Qaiyum: If for the sake of decoration you are going to supply a guard of honour for every Assistant Commissioner and

local man, to decorate his bungalow, you will require a larger number.

Sir Samuel Hoare: Yes, but how many are there now? I wondered what was the proportion and what were the numbers.

Professor Coatman: 6,000 Civil Police and 4,000 Constabulary.

Sir Samuel Hoare: It is a big force.

Sir M. Shafi: The 6,000 includes 4,000 frontier constabulary.

Professor Coatman: There are 2,000 police in Peshawar alone.

Sir Samuel Hoare: I understood the 6,000 did not include the 4,000. There are 4,000 Imperial Police altogether in the Province?

Professor Coatman: There are between 5,000 and 6,000 Imperial Police, and there are 4,000 Constabulary.

Sir Abdul Qaiyum: It looks fairly large, and I admit that, as mentioned in certain papers which have been supplied to us, proportionately the number of Imperial Police is larger than in the Punjab, but I can give you an idea why these numbers swell. There was some trouble in Kohat, in the Cantonments, and instead of the Army protecting themselves, a requisition was sent up to the Government of India—Sir Denys Bray was there—asking for additional police to guard the Cantonments. Do you put that on us? Take them away or add them to the Frontier Constabulary and get contingents of the Frontier Constabulary to guard you. My object is simply confined to the investigating police, called the people thana.

Raja Sher Muhammad Khan: The local police.

Sir Abdul Qaiyum: God knows how many are guarding the Peshawar cantonments! If you go there you will see big posts all over the place which are held by the police. I do not mind them being there, but let them be added to the Frontier Constabulary and do their guard duty like that, the investigation side being dealt with in another way.

Sir B. N. Mitra: The position is to some extent explained in the letter from the Chief Commissioner which appears in the Blue Book which we have. In recent years I think we have named this Frontier Constabulary "Frontier Watch and Ward Police," and they exist not only on the North-West Frontier but also on the North East and on the Siam Frontier, and also on the Burma Frontier. Even in Burma they are considered to be a Central subject and not a Provincial subject, and if the North-West Frontier Province is to receive a constitution on the lines which Sir Abdul Qaiyum wants, this Frontier Watch and Ward Police will still remain a Central subject to be administered by the Governor in his capacity as Chief Commissioner under the orders of the Governor-General. Even in this document there is no proposal to make the Police a reserved subject, once Frontier Watch and Ward has become a Central subject.

The position may have become a little confused because I do not think Sir Abdul Qaiyum made it clear that he wants Provincial autonomy of the type described only for the five settled districts.

Lord Reading: That does not answer the point. I quite realise from what Sir Abdul Qaiyum has said and from all the documents, that he only asks for this for the five settled districts, but that does not answer the difficulty that confronts us as to how you are going to work in those five administered districts with those complications in regard to police. On page 334 of the document to which Sir B. N. Mitra has referred, there is one paragraph on the classification of subjects which is worth reading. It says "With the devolution of authority to the Provincial Government there should be a classification of subjects into Central and Provincial, following broadly the lines of the classification in other Provinces. There will, however, be certain subjects peculiar to the North-West Frontier Province, chiefly relating to the tribal areas and the defence of India; for instance, the Frontier Constabulary, Scouts, Frontier remissions and allowances".

Sir Abdul Qaiyum: "Scouts" is not quite clear.

Lord Reading: "Strategic roads, the extra police and other forces necessitated by the geographical situation of the Province, etc., which would be classified as Central subjects, and would not come within the purview of the local Legislative Council." That sums up at any rate what seems to me to be the real difficulty in the matter.

Sir M. Shafi: Mr. Chairman, I should like, with your permission, to supplement the statement which has been made by my friend Sir Abdul Qaiyum; and during the course of this supplementary statement I propose to deal with the difficulty which is troubling Lord Reading.

Lord Reading spoke of the geographical position of the North-West Frontier Province. For the purposes of my statement, I want to speak of the geographical position of what are called the Agency Tracts in relation to the five settled districts of the North-West Frontier Province. I want to mention here that I have taken, very naturally, a great deal of interest in the position which exists in the North-West Frontier Province throughout my public life. The North-West Frontier Province, including the affairs of the Agencies, was originally under the Punjab Government, until the time of Lord Curzon. Sir William Mackworth Young was the Lieutenant-Governor of the Punjab at that period. Lord Curzon, for whom the partition of Provinces seems to have had some attraction, partitioned in the East Bengal and in the West the Punjab. The Bengalis did not take that partition lying down, and because their agitation was persistent and continued over a long period, they ultimately succeeded in getting that partition cancelled. The Punjab, on the other hand, took that partition lying down.

Well, if at that time Lord Curzon had done this in view of the situation on the Frontier, if he had taken over the Agency Tracts and the affairs relating to the Agency Tracts under the direct control of the Government of India, and left the five settled districts with the Punjab, those five districts would have enjoyed first of all the Morley-Minto Reforms and then the Montagu-Chelmsford Reforms, and they would now be given the same Reforms as are going to be given to the other Provinces of India. That is so self-evident, that one need not say anything about it.

I used to take an interest in the North-West Frontier Province then, and I continued my interest after the separation, just as I took an interest in other Indian affairs. I was on the Punjab Council and then on the Imperial Council, many times. The fact to which I invite your attention in particular is this, that when the Bray Committee was appointed to investigate the position and if possible to satisfy the demand of the people of the North-West Frontier Province for the introduction of the Reforms, I was a member of the Government of India myself at that time, when Lord Reading appointed the Committee. I was a member of the Government of India when that Committee submitted their Report, and of course their Report came under the consideration of the Government of India.

One thing more. When the Government thought of building a certain road and a certain big scheme was in contemplation, though I am not at liberty to go into the details of that affair this much is well known. Lord Reading's Government deputed Sir William Vincent and myself to go to the North-West Frontier Province and visit Waziristan and all the districts there. We went from North to South over the whole of the North-West Frontier Province and examined both non-official and official witnesses. The officials were civil officers, political officers and military officers. We visited the heart of Waziristan and went almost up to the Durand Line, and we went as far down as Wana in the South-West, and we saw things with our own eyes and examined critically and minutely into the position as it existed in these Agency Tracts and in what is called No Man's Land, as Dr. Moonje characterised it.

I do not want to go into the question of whether the policy adopted by the Government of India with regard to this No Man's Land is sound or unsound.

Sir Abdul Qayyum: Or if there is a policy at all! There is no policy.

Sir M. Shafi: I have my own opinion as regards that policy, and I have expressed it elsewhere. At first I did so confidentially, but now my opinion is public property. I will mention one fact which may be of some interest to you, because I am not betraying any official secrets here. So far as the feelings of the resident officials on the North-West Frontier, actually stationed inside the heart of Waziristan, are concerned, we were at lunch in a certain cantonment, and an English military officer quietly

whispered into my ear "For the Lord's sake take us out of this hell". That is the feeling amongst the British regimental officers in those Tracts. I do not wish to dwell further on it.

The geographical position is this. There is a range of hills running from North to South along the Western Frontier. On the far side are the Agency Tracts; on this side, in the plains, are the five settled districts of the North-West Frontier Province. If Lord Curzon had taken over the affairs connected with those Agency Tracts, things would not have been what they are to-day; probably the heavy military expenditure under which India is groaning at present would have been much less. But he decided otherwise, and he mixed up the settled districts of the North-West Frontier Province with the Agencies. It is this mixing up of areas which has resulted in all sorts of troubles since that period, continuous troubles which the Government of India has had to face. However, as Sir Abdul Qaiyum has told you, Lord Curzon left out of the plan which he adopted for partition certain portions of what is really the North-West Frontier Province. These he left with the Punjab, though really no distinction can be made between those portions and the five settled districts.

Sir Abdul Qaiyum: That is the point.

Sir M. Shafi: Those portions are actually enjoying the present Reforms, along with the rest of the Punjab. Why then, should any distinction be made between these five districts and the Punjab or those parts of the Frontier which are still regarded as portions of the Province of the Punjab? There does not seem to be any reason for such a distinction.

The dissatisfaction in the North-West Frontier Province is so deep and so widespread that I have no hesitation in saying that the troubles which the Government of India have had to face—and I say this with all the consciousness or responsibility which must rest on the shoulders of a man like myself, who has filled responsible positions—and all the trouble which last year and this year the Government had had to face, are due to that very deep-rooted dissatisfaction amongst the people of the North-West Frontier Province. But for that dissatisfaction, the people who are interested in stirring up trouble would never have succeeded in those five districts or round about Peshawar as they actually did. If you will remove that dissatisfaction you will find the position will change.

Coming now to the point that troubles Lord Reading, as has been pointed out there is the military force spread over all these hill tracts and so on, and holding posts. I have seen those posts with my own eyes; there are posts on the top of hills containing a few men, whose life is miserable. Here and there there are cantonments. At Larkhwa there was a full brigade at the time I visited it, and in other places there may be a regiment or half a regiment living in barbed wire camps and not allowed to leave them before 9 in the morning or after 5 in the evening, and not

allowed to visit even the adjoining villages without the special permission of the commanding officer; in fact, undergoing simple imprisonment behind their barbed wire. That is the position of the poor people who are posted there. No doubt as a *quid pro quo* for these hard conditions they are given a Frontier allowance, which means more and more burdens on the taxpayers in India, but their position is pitiable; of that there is no doubt.

Well, there is that military force, and then there is the Frontier Constabulary force. When I went there that enthusiast Majoor Handyside was in command of the Frontier military force, and he told me that if the Government were to raise the number of Frontier Constabulary and build a road from North to South parallel to the hills and just a little distance from them, a road on which motor traffic could run, and build Constabulary posts at distances of two or three or four miles apart, connected by telephone—I forget the exact figure he gave me, but I can inform the sub-Committee later—he said he would guarantee the defence of the Frontier of India against any raids by Mahsuds or people from Waziristan. He said that all the heavy expenditure Government now incurred on the Frontier would become unnecessary. There is that Constabulary force, and it will interest you to know that this policy which he recommended, and which is called the Closed Border system, is in actual operation from Peshawar towards the North, but not from Peshawar to the South, towards Waziristan.

Sir B. N. Mitra: I do not want to interrupt, Sir Muhammad, but things have changed entirely in the last five years since you left. Practically all that has come into operation towards Waziristan since you left.

Sir M. Shafi: I am glad to hear that. There is that Constabulary force, and there is the ordinary civil police, as Lord Zetland characterised it. Incidentally, I think that if we keep to those names of Constabulary Force and Civil Police it will facilitate our discussion.

No doubt occasionally there may be raids from the trans-frontier people into the country. How to meet those raids is the duty of the Frontier Constabulary, assisted by the local police if necessary. The civil police's proper functions are to maintain law and order within their jurisdiction, and to investigate crime. That is a different force by itself. What I think my friend contemplates is this—that this civil police, which in normal conditions maintains law and order within its jurisdiction, and investigates crime, might be the charge either of the Viceroy or of the Chief Commissioner in the new conditions which he contemplates should be brought into existence in the Province, but that the Frontier Constabulary might be treated; as the military police on the Assam border is treated, as a Central subject, and should be under the control of the Chief Commissioner and the Government of India direct. That, I think, is a very fair solution which ought to be adopted for the North-West Frontier Province, so far as law and order is concerned.

Sir Samuel Hoare: There was one question I wanted to ask. Sir Abdul Qaiyum seemed to me to make out an overwhelming case against the existing Frontier, with tribes divided between one district and another. Do you contemplate, under any possible new system, any re-arrangement of the Frontier?

Sir Muhammad Shafi: No I do not. I think it would be an unnecessary disturbance of the existing conditions. That is the reason why I think such a redistribution is inadvisable. These tracts have actually been part of the Punjab ever since the partition. They have already enjoyed the reforms. They have gone through the training of the Montagu-Chelmsford Reforms. They have been living under those conditions continuously during all that period, and it is not necessary, for the purposes of giving reforms to the North-West Frontier Province, that there should be any such redistribution.

Sir Samuel Hoare: You agree generally with that, do you, Sir Abdul?

Sir Abdul Qaiyum: I will not alter the statement which I have already made to the Bray Commission. If I am deprived of any rights as the result of separation, I would rather give up this dream of a separate Province in order to save my civil rights. But if I am not deprived of any rights I prefer to have the present arrangement remain.

Dr. Moonje: I do not quite follow that.

Sir Muhammad Shafi: In a few words, he said he would like to have them back.

Dr. Moonje: Which back?

A Member: He would like to go back to the Punjab.

Sir Abdul Qaiyum: I put it in this way. Certain arrangements were made by Lord Curzon. I do not think they have borne any good results. At least in one case where the people concerned were very powerful it ended a settled fact—Eastern Bengal and Bengal. Where the people happened to be poor, and who loved peace and tranquillity, they suffered on account of this separation. I do not mind telling you that we had all sorts of hopes. We thought we were going to be linked direct with the fountain head of all blessings.

Lord Reading: Is it really for this sub-Committee to discuss this question? It seems to me to involve very big questions, if we are going into it, as to what the policy should be with regard to the Frontier. It hardly seems to touch the question which we are considering—which is, what is to be done with the North-West Frontier Province as it stands?

Sir Abdul Qaiyum: Quite so. I will not go into these details. I will simply say that if Waziristan, surrounded by turbulent tribes and being more feudal than ourselves, can enjoy without any great hindrance full fledged reform along with the Punjab, surely

we can do it. If it fails in the course of time the fault will not lie with us. If we are considered fit to run the Frontier Crimes Regulation and impose sentences of fourteen years' imprisonment, where the police and the magistracy have failed to trace the guilt or innocence of a person, surely we can be trusted with the construction of a road here and there. Even if you still insist that we shall have a little patience and not devour things which might be indigestible, I will not say a word about it on behalf of any people whom I represent. Provided the constitution is the same, I would not have any serious objection to the first Council exercising certain restricted powers and the Second Council exercising more, until we reach, in the ordinary course of, say, four, five, six or ten years —

Mr. Mody: In other words, lay down the same constitution for the North-West Frontier Province as for the rest of India, but with the proviso that for the first ten years a slightly different constitution may have to be imposed upon them.

Sir Abdul Qaiyum: You need not take my last figure of ten years. I also said four, five or six.

Sir Bhupendra Nath Mitra: The tribes adjoining Waziristan, to whom you referred, are also politically administered by Agencies of the North-West Frontier and by Agencies of the Punjab.

Sir Muhammad Shafi: They will continue to be under the Government of India.

Sir Abdul Qaiyum: Though I should like them to be civilised a bit.

Raja Sher Muhammad Khan: It seems to me that we have gone far away from the question which Sir Samuel Hoare and Lord Reading put, namely, that if law and order is transferred to a minister in the new constitution what will happen then? They think it would confuse the question of constabulary and local police and the Army. That is the question we have to solve. I think it would be solved by co-operation between the Army and the Constabulary and the Police. I was at Bannu in 1917 when there were many raids from across the Frontier, and what happened then was that the police District Officer wrote to the military Commander saying that he wanted one or two companies. The Army, Constabulary and Local Police worked together very well. If law and order is transferred to a Minister, and if he works in co-operation with the Army and the Constabulary, which will be under a Governor, I do not think it will confuse the question.

Lord Zetland: If I may say so, I think the air has been very much cleared by this discussion. My difficulty also was the control of the Police, but I understand now that the control of the Constabulary and the Militia will remain under the Chief Commissioner as the Agent of the Governor-General.

Sir Abdul Qaiyum: Yes.

Lord Zetland: So that they will not in any sense come under a Reform Legislative Assembly in the North-West Frontier Province. That leaves under the Council—that is to say, under the Minister responsible to the Council—what I have described as the Civil Police. I understand that the Civil Police is a very large body in the North-West Frontier Province. The figure mentioned has been 6,000 men. The only difficulty I apprehend now is this. If the North-West Frontier Province is given a constitution the same as is proposed to be given to the other Provinces, the Civil Police will come under the Provincial Budget. Obviously the cost of the Civil Police in the North-West Frontier Province will be very high, and the question I want to ask is this: supposing the Minister and the Legislative Council decide that they are not in a position (and, after all, the North-West Frontier Province is a very poor Province) to find money for the barracks, the equipment and so on of this very large Civil Police Force, what is going to happen then?

Sir Abdul Qaiyum: To my mind that is very simple. In the first place the circumstances will be taken as they are. I hope that the coming in of the Council will not make things worse, requiring more Police. Things will be taken as they are with respect to the numbers. These numbers will be taken on, and unless things improve they will never be reduced. Nobody will dare to reduce these numbers. As a matter of fact we hope that with the Council coming in things will improve, but if an improvement does not come about the present strength will be maintained as long as it is required. That leads to the question whether that number, which is really more or less—that is, the proportion of the Civil Police which is really in addition to the proportion in the Punjab—could be more easily treated as Constabulary, because the Constabulary at present is occasionally required to perform certain duties at cantonments, and in some places their headquarters are at the cantonments.

Lord Zetland: That answers my question. I understand that a proportion of the existing force of civil police—a proportion of the 6,000 Civil Police—would be handed over to the Government of India and converted into Constabulary?

Sir Abdul Qaiyum: Yes. That is one way, but we do not want our Budget to be cut at once. We would like to have things as they are.

Chairman: It is nearly ten minutes to five. I do not know how much longer you would like to continue this general talk. Would you like to continue now and finish or would you like to hear Sir Denys Bray to-morrow morning? He has had an opportunity of hearing this discussion, and no doubt he will be prepared to deal with some of the difficult points which have been raised. We shall all value his opinion upon those points.

PROCEEDINGS OF THE THIRD MEETING OF SUB-COMMITTEE No. V
(NORTH-WEST FRONTIER PROVINCE) HELD ON 30TH DECEMBER,
1930.

Chairman: It was agreed last night that our first business this morning should be to hear the statement from Sir Denys Bray. I am sure, Sir Denys, the sub-Committee will be delighted to hear what you have to say.

Sir Denys Bray: Sir, I am inclined to think that if I make a very brief introductory statement it will suffice. I may possibly be more helpful in endeavouring to answer questions.

Looking back on yesterday's discussion, I feel that I may perhaps be most helpful if I try to bring out in more general form one of the aspects of this problem of giving the Frontier Province provincial status with safeguards; that is to say, the All-India aspect.

Yesterday, to a listener like myself, there seemed to be a slight tendency perhaps to treat the All-India aspects as confined to, or at any rate centring in, things like raids. I should like to look at the All-India aspects as I used to do as Foreign Secretary. From that angle it is seen that affairs in the districts very often have their unexpected repercussions in the tracts. I went on the Enquiry Committee as Foreign Secretary with a very strong bias in favour of any solution which would enable the Government of India to get rid of the responsibility for the districts, and enable them to concentrate themselves on the All-India problems of the trans-border. That was my very strong bias. I hoped against hope; I hoped against all my experience, both as Frontier Officer and Foreign Secretary, that a division between these two might be possible—that it might be possible to transfer the districts back to the Punjab, leaving with the Government of India the tracts. That would have solved many difficulties, and had that solution been possible this sub-Committee would not have been sitting now. The districts would have got their reforms along with the Punjab in the ordinary way, including all branches of the administration.

We found after a very patient investigation, treating the problem as a new one, that that solution was impracticable. I believe it myself to be quite impossible. Greatly to our disappointment that conclusion was forced upon us, and our statement of reasons is given in the Report. I went over that part of the Report a couple of weeks ago, and found very little, if any, that I should now care to alter. It is rather closely reasoned, and I am inclined to think that I may possibly be helpful if I try to put the same matter in a more homely fashion now, drawing on one's day-to-day experience as a Frontier Officer. What I am going to say will of course be A, B, C to Sir Abdul Qaiyum, but it may help to bring out the more general aspects of the All-India interest in the Province.

I was once in political control of the Orakzai, who share Tirah with the Afridis. My immediate office was sub-Divisional Officer

of an ordinary Sub-Division in British India, but in addition I had, as I say, the control of the Orakzai. How was I expected to control them? It seems on the face of it an impossible task, because I had the most strict and stringent orders not to set foot in their country. They themselves, ordinarily speaking, denied me the right to enter their country. True, when relations were established, they used to give one rather embarrassing invitations to go across to shoot or whatnot, but owing to these very stringent orders which I received from above I was not allowed to accept them—orders which, I may say, I thought then very foolish, but which I myself as Foreign Secretary afterwards re-established very stringently; for the risks are too great.

However, here I was told to control the Orakzai, and told that I could not enter their country. How did one exercise such control as we did exercise? Let me mention in order to leave it on one side one obvious means of control. When they raided into our districts, as they did from time to time, our police or constabulary, or what not, pursued them and gave them such punishment as was possible. That is one obvious means of control, but that was not really the day-to-day control. In the first place I used to receive regular visits from the tribal assembly—the Jirga as we call it. No one who has had to deal with the Pathan Jirga can doubt the extraordinary natural capacity of the Pathan for representative and democratic institutions. In Jirga we used to discuss and deal with the various troubles that had arisen between the district and the tracts, the claims and the counter-claims, and the various measures one had to take for the better preservation of the peace of the district and the better reinforcement of the rights, such as they were, of the tribes. I was reminded of this part by what Sir Abdul Qaiyum said yesterday on the necessity for the penetration of civilisation into the Frontier tracts. We have not done half as much as one would like to have done, but we have done a good deal—for instance, by encouraging the Maliks to send their lads to our schools. We used to encourage, if encouragement was really needed, the tribes to send their sick and wounded into our hospitals. The civilising work of our hospitals—government, private and missionary—on the Frontier has been tremendous. One used to do what one could to uphold the rights of the tribes in the district, such as grazing rights or the cutting of dwarf palms, and so forth. In those days the Sub-Divisional Officer was an autocrat, and he was able to ensure that the hospitals and the schools took in the sick and the trans-frontier boys.

Under the new regime, with a Minister, I can understand that difficulties may arise, but I should like to use that very valuable word which Sir Abdul Qaiyum used, and say that I cannot believe that insurmountable difficulties will arise. Supposing Sir Abdul himself were the Minister, or a man like him: I find it difficult to believe that difficulties would arise, because such a man would appreciate quite as well as any officer of the day—probably better—the inter-relations between the trans-border man and his cousin in

the district, and the repercussions of actions taken in the district in the tracts. But I do anticipate that difficulties might arise—I think they would arise—if the Minister were one of those men whom Sir Abdul described yesterday as the far more clever intelligensia. It struck us very much on our Commission how the further one went from the Frontier the less the appreciation of the real Frontier difficulties. We had Pathans before us, who had been brought up in the towns, and their appreciation of the relations between districts and tracts, and Frontier difficulties generally, was very different from that given us, for instance, by our first witness Sir Abdul Qaiyum.

These considerations do suggest to me how desirable it will be to secure that the All-India interests, such as I have attempted to sketch, are safeguarded by power lying with the Head of the Province effectively to control action from time to time as necessity arises in cases where, in his opinion, All-India interests are being endangered or being critically impaired. It would be, for instance, a grim thing if the future Minister for Education were suddenly to say "The pressure on our own schools is so great that we cannot find any room for these trans-border fellows". Similarly with our hospitals. We have just built a magnificent hospital in Peshawar. The Government of India were induced gradually and under great pressure to make an adequate subvention towards it, and the argument I had to use the whole time was that this hospital is serving All-India interests. We want it to be open to the trans-frontier men. There is no greater civilising influence than a good hospital. Its influence will extend far beyond Peshawar into the trans-frontier and beyond into Afghanistan.

What I am trying to suggest is this. All-India has great interest in the Frontier Province. It is right therefore that All-India should foot a very large part of the Frontier Province bill. It is doing it now. It will have to do it under whatever regime is set up. A very large portion of the expenditure on the Frontier (I am not referring now to the trans-frontier expenditure)—a very large expenditure in the districts will have to be provided by the Government of India for the safe-guarding of All-India interests. It is right therefore, as they will have to pay, that they should also have a say in the day-to-day affairs of the Province. Not that I want to suggest for a moment that they should be interfering at every turn. I want to suggest that it is very difficult to see how All-India interests can be adequately safeguarded unless there is a reserve power somewhere to insist on action being so taken that All-India interests are safeguarded.

I have endeavoured, with these homely illustrations, to show the inseparability, as I call it, between the districts and the tracts.

(Sir Denys Bray then proceeded to illustrate the constant reactions of district and tribal affairs on India's external relations.)

Chairman : Thank you. Now, Sir Denys has said that he would be prepared to answer questions.

Dr. Moonje : I understand you to say, Sir Denys, that in view of the defence problems for which the British Government is responsible at the present moment you think that there is no insurmountable difficulty in the Frontier Province.

Sir Denys Bray : No insurmountable difficulties.

Dr. Moonje : You think it would be possible to distinguish expenditure in the Province required for the day-to-day administration from expenditure on what are called All-India interests?

Sir Denys Bray : I am not sure whether I have followed your question properly.

Dr. Moonje : I will explain it. Do you think it will be possible to differentiate in the expenditure one part of the expenditure which would be regarded as all-India expenses for all-India interests, and another part of the expenditure which would be regarded as the day-to-day administration of the Province?

Sir Denys Bray : Well, of course, quite clearly one can make the distinction at once between expenditure incurred in the tracts or over the tracts solely, and expenditure in the districts. When you come to the districts, of course, a certain amount of paper adjustment has to be made. Take, for instance, the Chief Commissioner. The Chief Commissioner—one might say that two-thirds of his salary ought to be debited to the tracts and one-third to the districts, and so on. If you understand what I am driving at, you can make at once one division, but having made that division and having got down to the districts themselves, you will then be left with a sum which can only be adjusted on paper.

Dr. Moonje : No, no; my point is that by granting reforms naturally the day-to-day expenditure in the Province will be increased. Do you think that even in that increase, all India will require to make some subvention, or to take part in it?

Sir Denys Bray : I find it very difficult. One starts off at once with the certainty that, however you may divide your expenditure, all India will have to contribute a very great deal still.

Dr. Moonje : My point was whether, as regards the day-to-day administration in the Province, the whole of India will also have to contribute to that?

Sir Denys Bray : Well, the figures are before you. You will understand them. I confess I do not; I mean, I am not a financier of any sort or description. But, speaking broadly, I am well aware from bitter experiences that the expenditure on the Frontier is so high that, distribute the charges as you may, all India must expect to foot a large portion of the bill in a Province where she has interests in a manner as she has not got interests in any other Province.

Lord Reading : And in which the deficit must be larger when you have made a Province of it with its own Executive and Legis-

tive Council. I mean, the amount of it is perhaps not easy to state at the moment, but what I really wanted to point out, following, if I may, what Dr. Moonje was putting, which seemed to me very pertinent, was this. You have got an expenditure at the present moment in which roughly speaking—I am just taking the figures as we have seen them at some time—the Central Government would contribute 111 lakhs for the purpose of the administrative areas, leaving out altogether the trans-border. Well, that is based on calculations of present conditions. The new conditions which would supervene, if we gave effect to the desire of the Province, must necessarily entail some further expenditure which would be chargeable to the Province for the mere domestic carrying on of the provincial government; I mean, it all carries expense with it. Well, what I wanted to point out was, it follows from that, does it not, that if 111 lakhs would be required at present, when you have got your change into a provincial administration there would be something more required. I am not asking you to say how much; nobody can, without a proper calculation.

Sir Denys Bray: That is so, Sir.

Lord Reading: One cannot say how much, but there must be an increase of expenditure which may not be very material, but it must be an increase.

Sir Denys Bray: That we accept.

Lord Reading: And, of course, it is an increase of expenditure which would have to be found from the Central Government, as the Province could not do it; and then, I suppose, it would follow, would it not, Sir Denys, from what you have told us, and on the assumption that you have the provincial government, that we should have to consider whether it would be necessary to impose any check upon the power of the provincial government to pass expenditure?

Sir Denys Bray: Yes.

Lord Reading: I mean for the reason—I want to be clear—that if there is a subvention from the Central Government in order to make the budget balance, to make up the deficit on the general administration when the provincial government has the power of voting grants for what I may call, for convenience only, social legislation and social administration, which naturally it would want to do—education, public health, and so forth—the expenditure will become greater?

Sir Denys Bray: Yes.

Lord Reading: And then the question is, if the amount has to be made up by the Central Government, if that was the case, of course you would want some check on it, and I suppose the answer that you might make, if I correctly apprehend what you have been saying and what has been put before us before, certainly before me in past days, would be to say, well, in that respect what the Central Government would have to do would be to

provide a certain amount of subsidy or subvention, or whatever you choose to call it, and the provincial government would have to balance its budget within that. It would get that assistance?

Sir Denys Bray: Yes.

Lord Reading: Otherwise, of course, it must control its own expenditure. If it made a greater deficit it would not get the subvention increased merely because it had voted more for social purposes. That is what I mean.

Sir Denys Bray: That is so.

Dr. Moonje: That is exactly what I meant, too.

Sir Samuel Hoare: To follow out what Lord Reading said, I suppose you would have your subsidy made over a term of years. Have you any opinion about that?

Sir Denys Bray: I personally think that a term of years would be found the most convenient all round.

Lord Russell: With a fixed subvention during that time?

Sir Denys Bray: For a term of years, yes.

Sir A. P. Patro: I believe that a 50 or 60 lakh subvention is being contributed now to the Amir.

Lord Reading: Not now. That was brought to an end by the Treaty of November, 1921, I think it was. I just want to put one or two questions. I am afraid I have to go to something later on which must prevent my attending here, and I should just like to ask Sir Denys one or two questions, therefore, only really for elucidating the argument. I wanted you, Sir Denys, if you would to direct your attention to two things only which I want to bother you about. One is the Executive power, and the other is, I want to ask you a question about this so-called Black Police. Have you come to conclusions—I am not sure that I ought to ask you what they are, but I should like to know whether you have come to conclusions yourself—with regard to the creation of an Executive? What I have in mind is, assuming that you would have a Legislative Council for the Province, and assuming again that you have two ministers—I am leaving aside altogether for the moment the question as to whether one of them should be official or otherwise—two ministers who would be entrusted with responsibility as ministers, and over them you would have the Lieutenant-Governor, or the Governor as Sir Abdul Qaiyum would call him (and I will not quarrel with him about that).....

Sir Abdul Qaiyum: "Lieutenant" does not sound well.

Lord Reading: No; it is a stigma of inferiority! Supposing you had your Governor over them, I wanted to direct your attention to a point that is very much in my mind with regard to it. Assuming all these conditions met—I need not go further into detail—are you prepared to express an opinion as to whether or not it would be possible for ministers to carry on the ordinary administration with the executive powers independent of the Governor? Do I make myself clear to you?

Sir Denys Bray: Yes.

Lord Reading: You see, you may have two different systems. One is a system in which the Governor presides over the ministers, and is really the chief of the Executive, whatever the ministers' view may be; that is one possibility; I am not saying it is right or wrong; the other is a system in which you have ministers who have responsibility to the Legislative Council to carry on both executive and administrative powers with a Governor over and above them with emergency powers. Those are two quite different considerations. Do I make that clear to you?

Sir Denys Bray: Yes.

Lord Reading: What I wanted to know, and I am not sure if I ought to ask you, and if you have any doubt about it do not answer.....

Sir Denys Bray: My difficulty is to make my answer sound right.

Lord Reading: I know enough of Sir Denys to say that if that is the only difficulty he will meet it.

Sir Denys Bray: I think myself that the Frontier is so *sui generis* that one must be prepared for a constitution which in some ways is *sui generis*. I feel very strongly—and if I may say so, I thought Sir Abdul was very impressive on the point—that one has somehow to remove the stigma of inferiority, somehow to give the Frontier Province the essentials of reforms, and especially the essential outward appearance of the reforms, and I was hoping myself that though what you are putting, Sir, would arise in vivid practical form in day-to-day work, yet actually in the appearance of the constitution the difference would not be so obvious.

Lord Reading: I follow what you mean, yes.

Sir Denys Bray: To put my answer perfectly plainly, of course I do consider that in view of the All-India interests, which are great, in view of the All-India contribution even to the parochial domestic administration, which also will be great, it is very desirable that All-India should be satisfied that there remains an ultimate power of control in the hands of some one who will be looking, not merely to the parochial aspect of things, but to the All-India interests. I would regard him not so much as an official, as the All-India representative, the trustee.

Lord Reading: You mean the Governor.

Sir Denys Bray: Yes.

Lord Reading: But, of course, the difficulty which occurs to me about that is this. I quite follow what is in your mind. I do not want to press it unduly at all. We may have to consider how to deal with it. As I understand, what you quite recognise and what we must all recognise, is that there are very special considerations which must apply to the North-West Frontier Province which must distinguish it from every other Province, because of its All-India aspects. I quite follow that; I quite follow that you

want to get rid of any stigma of inferiority. This is what was in my mind when I put my question to you. I have also in my mind the desire that I want to get rid of the stigma of inferiority which, according to Sir Abdul Qaiyum, is so prevalent. I want to be quite sure that, in our desire to do that, we are not taking undue risk with regard to All-India. My reason for putting the question to you about the Executive is to get your view, and I am not quite sure that I have understood it. I would like just to paraphrase it, only to see that I have got it right. I will not press it further, because it is not the kind of thing to which you can answer yes or no. I only want to get what is generally in your mind. As I follow you, you cannot give the Ministry exactly the same powers as you might be prepared to do in another Province, because of the very special conditions which apply in the North-West Frontier Province; but you should go as far in that direction as you possibly can, consistent with security in the North-West Frontier Province, and, having regard, of course, to the All-India interests. That is what I understood you to say.

Sir Denys Bray: Yes, Sir, that represents my point of view admirably.

Lord Reading: Then we can work it out; at least we have got to try to do so; it is not very easy, but we see what the position is. We have to assume, from what you tell us at any rate, that it is no good our attempting to consider the North-West Frontier Province in exactly the same terms as we would consider any other Province; it is idle for us to talk of it in that way. But what we want to do is to give the North-West Frontier Province the benefit of the reforms, whatever they may be, that are going to be instituted, in so far as we possibly can, having regard to their natural aspirations, bearing also in mind the very very important considerations affecting the All-India interest. That is the problem we have got to deal with, and I think, as far as I understand it, that what you say helps me very much.

Chairman: You had a second question you wished to address to Sir Denys.

Lord Reading: Yes, I am very much obliged. The second question I wanted to put to you is largely following out the same lines. I want to put it in order to get the benefit of your views. We had a good deal of elucidation of it yesterday from Sir Abdul Qaiyum in the course of the discussion. You were present, Sir Denys, and you heard the discussion about police?

Sir Denys Bray: Yes.

Lord Reading: I will not go through it all again, because we did discuss it at some length yesterday. What I was going to ask you is this: Do you see any practical difficulty? That is all I ask you, because we cannot settle the things here in this way. Supposing I myself came to the conclusion that although I quite realise that law and order (I am only going to use general terms) cannot be handed over generally in the North-West Frontier

Province, as could be done in another Province, because of the special conditions in the North-West Frontier, yet steps can be taken with regard to the so-called black police or the civil police, the Imperial police, within certain limitations. You know the conditions that apply there. Out of the 6,000 police that we were told there were, quite a considerable portion of those, if you wanted to separate the civil completely from the rest of the administration, with regard to the police, would have to go over to the constabulary. That is right is not it? That is what I understood we were told yesterday.

Sir Denys Bray: I did not follow that last point.

Lord Reading: I am only dealing with approximate figures and I wanted to get this right. We were told there are 6,000 so-called black police.

Sir Denys Bray: Yes.

Lord Reading: And 4,000 constabulary. What I understood from what we were told yesterday was, that if you carved out of the administration of all the police and constabulary taken together of the North-West Frontier, the police that would be applicable merely to the ordinary work of the civil police as distinguished from Frontier constabulary in any direction, you would lessen that number of 6,000, and there would have to be a transfer to the constabulary of a portion, whatever it may be, that you would require less than that 6,000 merely for the civil police. That is what I understood you to tell us.

Chairman: Yes, we were told that very definitely.

Lord Reading: That is what we were told yesterday. Knowing you, Sir Denys, I see that you are a little sceptical, not about what we were told but as to whether it was right.

Sir Denys Bray: Yes.

Lord Reading: If you have any doubt, I will not press it, except that I will put the other question. Can you answer it generally; I am not attempting to do more than get your assistance. You see what I have in my mind, speaking for myself only for the moment, is to see whether there is any portion of the police in the North-West Frontier Province that you could entrust to the Provincial administration. Really what I want to get from you is: Do you, from your experience of it, see any difficulty in handing over the police to a civil administration, or do you think that it would be desirable in the interest of security (I am speaking of course, quite generally, which is all you can do) to put all the police under one control which would not be purely a ministerial control.

Sir Denys Bray: It seems to be a question in which one has to weigh advantages and disadvantages. Quite clearly, from certain points of view the present arrangement is best. At present there is a certain amount of division. There is the black police under the Inspector General; there is the white police under the head of the constabulary, the Chief Commissioner remaining the co-ordinating

authority. From time to time we have thought that it might be better if there were one policeman over them both. I think co-ordination would be best served by leaving matters as they are; but that, of course is, only one of the considerations. I think you will find a very strong consideration on the other hand is the feeling which Sir Abdul Qaiyum would immediately voice that without a certain amount of handing over to the police of certain portions of law and order the Province might be very dissatisfied. Now, coming to the practical disadvantages, I have thought of this part of the case pretty carefully since yesterday's discussions, and I have also, by a happy accident, been able to discuss it with two distinguished soldiers, because I rather gathered from some of the questions that it was the soldier part of the case that was attracting interest and doubt. We all three came to the conclusion that difficulties might arise, but no difficulties really different in kind from the difficulties which will arise, let us say, in Lucknow, that the army do not come up against the black police at all except domestically. I asked both my military officers to cast their minds back; they are both distinguished Frontier officers; I asked them to apply their minds to the conditions, let us say, in Kohat, and the conditions, let us say, in Lucknow, and they could see no difference. They recognised that in Lucknow there will have to be a certain amount of give and take, and a *modus vivendi* will have to be arrived at somehow between the army and the ministers.

Lord Reading: I myself find that a little difficult to understand. I do not quite follow how that can be a just appreciation of the relative conditions in comparing Kohat with Lucknow.

Sir Denys Bray: On this subject of black police?

Lord Reading: Yes, I mean on that subject; that is what I am thinking of. Because, after all, in Lucknow you would not have the same conditions applying. The real problem that we are trying to solve in our minds is with regard to difficulties with the police arising out of raids, or out of some fight between one or two members of a tribe, it may be because of some blood feud even within the tribe, or it may be by one part of the tribe against another. Those are things with which you are very familiar and which you have reported to me. That sort of thing may happen in Peshawar and Kohat which will not happen in Lucknow.

Sir Denys Bray: At the moment I was dealing with the question simply from its military aspect.

Lord Reading: Yes; but I do not mind so much from that point of view, because I can see that, purely from the military side, if you leave out your Frontier constabulary, it might be treated as a military police; but supposing you leave that out altogether, and you are only dealing with an order given by an officer to the soldiers to march or fire or something of that sort, of course the line is very clearly demarcated both in the Frontier and all over India, as it is here. When you get to the police point of view, that is my difficulty in it, so far as I have difficulty. That is the

matter on which I want to clear my mind. I am thinking of matters such as I put to you just now, a series of incidents, any one of which may give rise to trouble, in which your black police may be assumed to be dealing, but require assistance straight away from the Frontier constabulary. They may require it at any moment.

Lord Zetland: But surely a District Magistrate in any part of India has the power to requisition troops in case of necessity.

Lord Reading: But really that is not the point I am on; I have said that; we need not go into that. That is the same thing, of course, all over India. I am asking you about the difficulties that you have in Kohat and Peshawar, of which we know and which we cannot get away from, which are quite different from the difficulties you have in Lucknow. I am asking you whether those considerations would make it more difficult to separate the local civil police from your Frontier constabulary; that is really what I want to get at. The calling in of the soldiers I agree, is the same everywhere.

Sir Denys Bray: I think I have tried to suggest my answer in my introductory remarks. So long as the Chief Commissioner can intervene at a critical moment or, to use the words of the Chief Commissioner's scheme, so long as there is secured to him adequate controlling authority, I think the difficulties will not in practice be very great. At the same time, without such controlling authority, which means in the ultimate resort a co-ordination of your forces, I think the difficulties would be great. But I certainly did not myself gather anything from Sir Abdul Qaiyum said the impression that he himself did not realise that co-ordination of that kind would be necessary.

Sir Abdul Qaiyum: The Chief Commissioner will be the head of both.

Lord Reading: It is no use arguing it for the moment, but that just raises the very difficulty.

Sir Denys Bray: It does, of course.

Lord Reading: Of course it does; you see it at once. You see, if the minister has not the power of control except in emergency, he has not the controlling power. What we are discussing is on the basis that he has not. If he has control of both, we are agreed there is no difficulty.

Sir Denys Bray: The word "emergency" is of course the difficulty. On the Frontier you have got to anticipate the emergency.

Lord Reading: That is the whole point.

Sir Denys Bray: You have got to have a trained man who can realise that such and such action had better not be taken because of its trans-frontier repercussions, and so forth.

Lord Reading: A good deal of what I know of the Frontier I have learnt from your assistance; one of the things that I learnt

quite early in the Frontier and in everything to do with the Frontier, when the responsibility was upon me, was that you must take action. It may be that your strongest action is inaction, and that you give orders not to take a particular step, as you were just suggesting, because it may immediately inflame the Frontier. But whatever it is, you have got to be prepared to take action at once, over and over again. To come to your conclusions, there is no doubt about that, is there?

Sir Denys Bray: No, I accept that as true, Sir; but I would not like to be misunderstood to think that the corollary of what I have said is in my mind the impossibility of entrusting the police to the ministry.

Lord Reading: Yes, I think I follow. You do not think it is impossible, but there are difficulties and we have got to work out and think out how it can be done with safety.

Chairman: Is that all.

Lord Reading: That is all I want to say on that, thank you.

Sir M. Shafi: May I put one or two questions to Sir Denys? With regard to the first question put to you by Lord Reading, in connection with possible differentiation between the powers of the ministry in the North-West Frontier Province as compared with other Provinces, in view of the security of the Province, there are two facts: firstly, that defence will be a Central subject; secondly, that, according to the recommendations of the Simon Commission, approved by the Government of India, the Governor will have certain powers. Amongst the powers proposed by the Commission and approved of by the Government of India there are 1 and 4 to which I wish to invite your attention in particular. One is that in order to preserve the safety and tranquillity of the Province he may interfere; and the fourth is to secure the carrying out of any order received by the Provincial Government from Government of India or the Secretary of State. Bear these two special powers which are vested in the Governor in mind. Bearing those in mind, do not these special powers in the Governor provide the limitations on the powers of the ministry which you would think are necessary in the North-West Frontier Province, and carry out the object which you have in view, even from the All-India point of view?

Sir Denys Bray: If I have understood the question aright, I think my answer must regretfully be no. If I understand you aright, and you want me to say quite crudely that I consider that in the North-West Frontier Province the Governor should occupy the same position and have the same powers as, let me say, in Madras, I know the answer in my mind is quite clearly no. I think it would be very difficult; I think it would probably be an impossible burden to put on the Governor to preserve, to safeguard, all-India interests, which are not only those of security, by simply entrusting to the Governor powers to intervene to preserve safety and tranquillity or to carry out a particular order. I think the

whole fabric of life on the Frontier (by which I mean tracts and districts) is too interwoven to make such a clear cut division possible. I should have hoped myself that one would have found these solutions somewhat on the lines of the proposals of the Government of India, the keynote of which I quoted just now; it is believed that reliance on a nominated element in the Legislature and official assistance in the Cabinet, may secure to the Lieutenant-Governor adequate controlling authority by giving a Province a sufficiently flexible constitution, and so on. As I read the scheme, there is no suggestion that in fact the Governor should be relegated to the same position as, let us say, in Madras.

Sir M. Shafi: Let us just for a moment differentiate between the two considerations which you have in mind: the consideration of security and that of the All-India interests. Lord Reading's first question was directed mainly to the question of security; it is you who were thinking at the same time of the All-India interests as well. For a moment putting the second aside, the All-India point of view, and keeping only the point of view of security in mind, does not clause 1 of the powers which it is proposed to vest in the Governor adequately provide for that? Is not it intended to provide for that? The phrase used there is: Tranquillity and safety of the Province. Put aside for a moment the All-India view point.

Sir Denys Bray: It is extraordinarily difficult to put aside what to my mind is the all-pervading factor in the North-West Frontier Province.

Sir M. Shafi: But at the same time, if you have the situation in view, remember that defence will at the same time be a Central subject, and therefore the powers of the Governor under Clause 1, and the powers of the Governor-General in Council, the Central Government, in connection with defence, will be working at the same time. Therefore are these powers sufficient so far as the security point of view is concerned?

Sir Denys Bray: I doubt it. On that basis my mind would have to readjust itself from top to toe, and I should have to withdraw what I said about the advisability of transferring the black police, for instance. On the line that you are trying to draw me now, I would have to go over the various subjects again and say, what about health, education and so on; and when I came to the black police I think I would have to draw in my horns entirely, because putting the Governor in the position of an ordinary Governor and confining his powers to those given to a Governor elsewhere, I believe myself that the difficulties, which I recognise, over the transfer would become, to use Sir Abdul's word, almost insurmountable. I think the All-India risks would be too great.

Sir Bhupendra Nath Mitra: I want to pursue the same question. I will divide the subjects into two parts—firstly, the black police to which reference has been made. I shall invite attention to the

Report of sub-Committee No. 2 in regard to the statement made therein as to the powers of the Governor. I know that this provision has been dissented from by certain Indian members of that sub-Committee, but the provision is this—

“ The Governor’s power to direct that action should be taken otherwise than in accordance with the advice of the Ministers shall be restricted to the discharge of the specified duties imposed on him by the Constitution. These duties shall include the protection of minorities and the safeguarding of the safety and tranquillity of the Province.”

The question I should like to put to Sir Denys Bray in the first instance is: Will not that provision meet the requirements connected with the black police? This is quite distinct from special and emergency powers. If these powers were to be exercised by the Governor of the North-West Frontier Province, will they not meet the requirements in regard to the black police? I am not at the present moment talking of the All-India requirements.

Sir Denys Bray: You are visualising, are you, the Governor in the background—the Ministry carrying on and the Governor in the background, the Governor not intervening until he sees that the protection of minorities and the safeguarding of the safety and tranquillity of the Province are in danger?

Sir Bhupendra Nath Mitra: I am not now thinking at all of All-India requirements. I shall deal with them later.

Sir Denys Bray: I should have thought they were All-India requirements.

Sir Bhupendra Nath Mitra: We are discussing the black police, and I do not think that is an All-India requirement; but if I have to make my meaning clear I will say this: in regard to All-India requirements, in view of the subsidy which will have to be given from Central Revenue in order to maintain the day-to-day administration of this Province, it might be made clear that, because of that, the Governor should have special powers in that connection—that where he feels that All-India requirements necessitates his taking action independent of the advice of his Ministers there should be no bar to his doing that. Lord Reading separated the two points. I was confining myself at the moment to the black police, irrespective of All-India requirements. In the case of the black police will not the powers here contemplated for all Governors meet the requirements of the North-West Frontier also?

Sir Denys Bray: You realise that you are asking me to visualise a constitution for a Province which hitherto has been autocratically governed. This is far in advance of that put forward by the Government of India—and put forward with some rather grave remarks attached to it.

Sir Bhupendra Nath Mitra: I am not contemplating a constitution far in advance of that proposed by the Government of India. I am simply thinking of the methods by which the Government

of India's recommendation can be given practical effect to, and at the same time not imposing on the Province the feeling of stigma. Arising out of that, I am trying to find out whether a solution cannot be reached, firstly by giving to the Governor of this new Province the same powers as have been recommended for other Governors, and dealing specially with All-India questions.

Sir Denys Bray: I am very dull. I should have thought that, with regard to the Frontier Province, the protection of minorities and the safeguarding of the safety and tranquillity of the Province were All-India interests.

Sir Bhupendra Nath Mitra: I divide the matter into two portions, exactly as Lord Reading has done. He first referred to All-India interests, and he then referred to the question of this black Police. As regards the black Police, as I understood the position it was something like this—that black Police might be called upon to intervene in matters which later on, if not properly tackled, might lead to All-India questions. At that stage would the powers here provided be adequate for the purpose or not? It is not an emergency power. It is a power which can be exercised even if there is no emergency. In the other case, as I have said, in view of the large subsidy which the Centre has to make for the purposes of the day-to-day administration, some other safeguard might be introduced. I am referring to the safeguarding of the safety and tranquillity of the Province. I am on that now.

Sir Denys Bray: You will remember that the 6,000 black Police form a large portion of the subvention received from the Government of India.

Sir Bhupendra Nath Mitra: I quite agree.

Sir Denys Bray: If I may make a personal digression, I find myself in rather a curious position. For years I have been an advocate of removing from the Frontier Province the stigma of inferiority. I am a protagonist in favour of giving to the Frontier Province the essentials of the reforms, with safeguards for the better safeguarding of All-India interests. Now I am in the unfortunate position of finding myself asked to contemplate a constitution quite on the lines of an ordinary Province, if I have understood the point, although the Frontier up to now has had none at all. I had hoped that I might have been able to participate in a discussion in which one was trying to frame a constitution which will preserve as much of the essentials of reforms elsewhere, but you are asking me, "Take the constitution of Madras: cannot you carry on?"

Sir Bhupendra Nath Mitra: You have misunderstood me. I am simply trying to find out whether any solution is possible or not. I realise that, apart from the powers of a Governor in a Province like Madras, the Governor of the North-West Frontier Province must be given some special powers, the difference in the two cases being that in the case of a Province like the Frontier the Centre

will have to provide a recurring subsidy. Therefore the Centre is largely interested in the All-India aspects of the question. I am trying to find out whether it would not be possible to meet your requirements by giving to the Governor that power which is proposed for all Governors, and in addition giving him additional powers where he feels that this may in the end lead to an All-India complication. You talked, for example, about education of the sons of these tribes, and of providing them with hospital accommodation. I shall add to that also the more troublesome question of police intervention. I divide the matter into two parts, following Lord Reading. It is quite possible that in certain cases this Police question may not end up by becoming an All-India question. In a case of that sort it may simply affect the peace of the Province itself. In that case it seems to me there will be no difficulty in the Governor applying the powers which it is contemplated to give to all Governors. When it becomes a bigger question than that then the Governor will fall back on his special powers because of the large subsidy from Central Revenues. I confess that on certain occasions it may be difficult for him to discriminate between the two powers, and he may have to exercise the powers which have been vested in him as an Agent to the Governor-General in virtue of his receiving this large recurring subsidy.

Lord Zetland: Surely the real answer to all these questions which have been put to Sir Denys Bray is this—that, owing to the somewhat explosive nature of the North-West Frontier you must have a Governor who has his hand much more closely and much more constantly on the pulse of day-to-day administration than is necessary in the case of the other Provinces. In the case of the other Provinces the Governor is to be given special powers, but he is only expected to step in after the patient has developed a fever, if I may use that illustration. In the North-West Frontier Province you want to have your Governor with his hand on the pulse of the patient the whole time so that he can at once be aware if any fever is likely to develop. That, to my mind, is the distinction between the North-West Frontier Province and the other Provinces. That being so, it seems to me to be essential (and if I understood Sir Denys Bray correctly that was in his mind, too) that the Governor should be in daily touch with the administration of the Province. How that daily touch should be maintained is a matter no doubt for consideration. I would presume that the Governor would sit with his Ministers whenever they met as a Cabinet, and obviously, of course, sitting as Chairman of the Cabinet. But I do not want to go into details of that kind. All I want to stress is the point that that seems to me to be the essential difference between the North-West Frontier Province and the other Provinces—that for the present at any rate you must put your Governor in a position in which he is in daily touch with the administration.

Sir A. P. Patro: He should be the executive head.

Lord Zetland : Yes, assisted by his Ministers.

Sir Abdul Qaiyum : Sir Denys, I am very sorry that you should have been put to this cross-examination. You have been away from the arena for over a year now, and you have been cross-examined by your own late Chief who left India five years ago. Both of you had hesitations when you wrote your Report, and which were considered by your present Chief, and those doubts are still lingering in your minds. Under those circumstances I really sympathise with you for having exchanged certain views at certain times irrespective of the Report put before us.

I will merely ask one or two simple questions. When you were speaking of the North-West Frontier Province, and when Lord Reading was cross-examining you, the phrase "North-West Frontier Province" was used. Is there any distinction between the settled districts and the tribal area in that North-West Frontier Province, and do the troubles to which reference was made so often only exist in the tribal area or in the settled districts also; and are the repercussions of one on the other due to their close vicinity? If we take the present administration and study it a little, will not Lord Reading's questions be readily answered when we see that there is a Revenue Commissioner and a Judicial Commissioner for the settled districts, and that the two are working quite separately under the same common head, the Chief Commissioner, that the Chief Commissioner never consults the present Resident in Waziristan, Colonel Griffith, about affairs taking place in Peshawar City; all that he has to consult him about is Mahsud affairs, Waziristan and the Revenue Commissioner is consulted about matters connected with the settled districts, the two going apart, and the Chief Commissioner, when he becomes a Governor, will be running these two parts of the North-West Frontier Province under some similar system, with regular advance in the settled districts and things remaining as they are in the North-West Frontier Province. Well, if we take this into consideration, then I will just ask you whether you will change the opinion expressed by you in the Report, in which you suggested 60 per cent. elected majority in your proposed Council, working all the transferred subjects by a Minister for those transferred subjects. If in 1922, when the Montagu-Chelmsford Constitution had just started (only a year before), you were prepared within a year to recommend 60 per cent. elected majority with a Minister in charge of all the transferred subjects, do you feel any hesitation now, after what you have seen with respect to the pronounced determination of those people of the settled districts, to have a share in the advance, as to whether they should go backward? That is all, I think, Sir.

Sir Denys Bray : I just wished, in advance, to refresh my memory as to what the transferred subjects were going to be. Was Law and Order, or any part of Law and Order, mentioned, Sir Abdul?

Sir Abdul Qaiyum: Now Law and Order, because Law and Order was not a transferred subject.

Sir Muhammad Shafi: Even in the other Provinces it was not.

Sir Denys Bray: Then I have not this critical subject of Law and Order before me?

Sir Abdul Qaiyum: Well, let us confine ourselves to this critical question of Law and Order.

The Chairman: Let Sir Denys answer.

Sir Denys Bray: Might I remind Sir Abdul Qaiyum, whose knowledge of the Province is unrivalled, that he chose an extraordinarily bad example when he chose the Resident in Waziristan. He said that the Resident in Waziristan was never consulted by the Chief Commissioner about what was happening in the Peshawar district; but he is, just as he is consulted about what is happening in the Dera Ismail Khan and Bannu districts.

Sir Abdul Qaiyum: That will not injure my case.

Sir Denys Bray: It brings out, surely, what Sir Abdul knows far better than I do—the interlacing of affairs in the districts and the tracts.

Sir Abdul Qaiyum: May I remind you, Sir, that I never suggested the separation or the reversion of the five districts. I am still of the opinion that I expressed before you, that it is better to keep this Province as a separate unit.

Sir Denys Bray: You are putting it so far as I am concerned as I should like to put it. You visualise the Chief Commissioner running these two parts hereafter, with regular advance in the districts and matters in the trans-frontier very much as before; and that is the whole point. I myself want to see the Chief Commissioner running the two parts, with great help from the districts, and with the trans-frontier remaining more or less as it is.

Sir Abdul Qaiyum: Can anybody suggest anything for the Chief Commissioner with respect to extraordinary powers? I mean, can any other member, if he has any doubts that the Chief Commissioner should possess any extraordinary powers in view of the so-called extraordinary conditions prevailing in the settled districts of the North-West Frontier Province, which will not be met by the provisions just mentioned, suggest anything else?

Chairman: Had not you better be content with the reply Sir Denys Bray has given to you?

Sir Abdul Qaiyum: Yes; thank you, Sir.

Sir Samuel Hoare: I have got one or two questions, Sir Denys. The point I am still doubtful about is this, the point that is in doubt in all our minds, the point of Law and Order, and you, both in your Report and in what you have said to-day, emphasise the fact that frontier questions cannot be partitioned into watertight compartments, and I gather from you that your suggested solution is that the Commissioner, to be called Governor or Lieutenant-

Governor, would preside over his Council of two Ministers and would be acting in two capacities, one as agent of the Viceroy for the unsettled tracts, the other as Governor with more or less constitutional powers. A system like that seems to me to depend very much on personalities. I can quite imagine that with the High Commissioner who is there now, and Sir Abdul Qaiyum, there would be no difficulty at all; but I still have doubts in my mind how that is going to work as a permanent arrangement. It does seem to me that what has come out over and over again in our discussions is that even taking the black police you cannot dissociate the black police from the gendarmerie, you cannot dissociate the gendarmerie from the other frontier forces of various kinds, and I am afraid that, even after what you have told us this morning, I am still doubtful how that is going to work as a permanent system. Is it possible for you to give us any further information upon that subject? For instance, when you had your inquiry, I know four or five years ago, but at the same time a great deal of it is still relevant to the present position, did you have police evidence on questions of this kind?

Sir Denys Bray: The answer to that is No, because, as Sir Abdul has reminded us, we were not then concerned with the possibility of transferring Law and Order; but I would again remind you, Sir Samuel, that actually at the present moment the black police and the white police or gendarmerie or frontier constabulary are dissociated. One is run by the head policeman, and the other is run by the Commandant of the constabulary.

Sir Abdul Qaiyum: That is the point.

Sir Samuel Hoare: It is not my point at all, Sir Abdul. My point is that one really has the same capacity over both.

Sir Denys Bray: That, of course, is so; but under Sir Abdul's scheme, with the Chief Commissioner running both parts of the Province, that would remain so.

Sir Samuel Hoare: Yes; but how much would the Chief Commissioner, in actual practice, really be running both parts with the kind of Ministry that you and the Government of India have suggested? If he is running it from day to day, I quite admit that a great deal of my difficulty goes from my mind; but is that really possible, that he is going to run it as he is running it now?

Sir Denys Bray: Again it is a case of balancing considerations, and it is also a case of not over-emphasising one aspect. If one over-emphasises one aspect you get a difference in kind. I myself feel—I really have very little doubt about this particular subject—it is quite clear, for instance, that certain aspects of the black police one might remove from the category of doubt. Sir Abdul Qaiyum was saying it in his very reasonable way yesterday; he was mentioning, for instance, the investigation staff. This might conceivably help one. It might be worth while for the people on the Frontier of India to consider whether they could remove from the category of doubt other portions of the police. For instance, you

have got men in the city doing ordinary police work. You have got them out in the districts doing more armed police work. As it so happens, in the North-West Frontier Province, all the police are armed. In the other parts of India you have got armed police and you have got ordinary police, and it is quite possible that you might, if one wants to differentiate in the Black Police itself, remove another body of policemen, or remove them with any luck from what I call the trans-frontier repercussions so that one need not consider them as doubtful for your purpose. I believe myself that, provided the Chief Commissioner remains, as I say, the controlling authority, there is no real danger in handing over the Black Police to a minister, given—and this remains my proviso—the Governor as part of the Cabinet.

Sir Samuel Hoare: And have you thought at all how you would retain the controlling authority for the Governor? Would you do it by statute? Would you do it by instructions? How would you do it?

Sir Denys Bray: That leads me into areas where I should be timorous of treading. I would only, as regards this, emphasise very strongly what Sir Abdul Qaiyum has said, that you must make it sound well; you must make the constitution look well. I mean, we owe it to these people if we remember that had they remained part of the Punjab they would have had reforms like everybody else.

Lord Lothian: I cannot help thinking this way. If you have any measure of responsibility, even for any part of law and order, it does mean that the interests of the minister are running parallel with those of the Governor. You must not think of it as if they would be in opposition to each other. Provided it is perfectly clear that the executive head, the Governor, whenever he finds a situation which transcends merely local law and order, can say "I then have power to intervene and take control of it", it seems to me that you will have a better system of law and order, and a better way of working it, than if you maintain in the Province a situation in which the local people have no responsibility for law and order and therefore are tending to work in opposition to the administration instead of in co-operation. Would you agree with that?

Sir Denys Bray: Yes, I agree more or less with that.

Sir Samuel Hoare: I am afraid if I made an answer to that I would say "You have got to assume that organisations of this kind do not always work well," but I have got another point or two. Your report, Sir Denys, differs somewhat, no doubt owing to the date at which it was made, from the Report of the Government of India, and I want to ask you about one or two of the differences, and whether you attach importance to them. You suggest, for instance, one minister, not two, and you suggested that, if you remember, on the ground of economy. Do you still hold the view that one minister would be sufficient?

Sir Denys Bray: I think the Report visualised, did it not, a Member and a Minister? You see, we have got into a different region now.

Sir Samuel Hoare: Yes, I see. Then with the Legislature do you take the view of the Government of India that it would be possible to have direct election for the Legislature, anyhow to some extent?

Sir Denys Bray: I do. They have introduced it in the critical place of Peshawar, and I see no reason why elections to the District or municipality should be any easier than election to the Council.

Sir Samuel Hoare: How far, in actual practice—perhaps Sir Abdul can answer this if you cannot—has direct election worked in Peshawar? My only knowledge of it is the rather unfortunate instance of it mentioned in the Simon Report. What has happened since then?

Sir Denys Bray: Though the incident occurred when I was still Foreign Secretary, it was not grave enough to be reported to the Government of India.

Sir Samuel Hoare: It is a very damning instance all the same, if I may say so.

Sir Abdul Qaiyum: Perhaps I could add this one word on this subject. In this place one year after the visit of the Simon Commission, with no enquiry before them, this is quoted simply from some telegram that we might receive.....

Chairman: Yes; but you told us that yesterday!

Sir Abdul Qaiyum: Lord Reading has just gone, but I should like to make one point to two gentlemen who are still here. Do you think, Lord Zetland, that we shall be worse with ministers in charge of law and order than with what you have got in Bengal now and in the Punjab and in various other places, and shall we have less sense of responsibility if we shall ourselves have to suffer on that account?

Lord Zetland: No, Sir Abdul Qaiyum, I do not.

Chairman: Just a moment; we cannot have these dialogues across the table in this way, and we cannot have Sir Abdul's long statement brought out in chapters on the second occasion. I want Sir Samuel Hoare to finish his questions to Sir Denys Bray.

Sir Samuel Hoare: I shall not be a minute, but it was really on this point of election. I wish Sir Abdul to be satisfied about it, but the only instance that has been brought to our knowledge of direct election being tried is the instance quoted in the Simon Commission Report. Well, now, had there been subsequent elections in Peshawar to that election.

Sir Abdul Qaiyum: The election referred to in the Simon Report took place years afterwards, and what is the unsatisfactory part

of it? It is that good, educated, high-class barristers and pleaders were elected and not barbers and sweepers and street sellers as in other provinces.

Lord Zetland: To clear my own position, may I answer what Sir Abdul Qaiyum said to me? I can answer it in half a dozen sentences. My answer is: No, I do not. I am arguing in your favour. I want to see the civil police transferred, and I am quite prepared to see that done, provided the Governor is allowed to have his hand on the pulse of the administration, so that he may be in constant touch with what is going on.

Sir Abdul Qaiyum: I hope that will happen for the whole of India. The whole of India requires it.

Chairman: That is the work of another Committee, Sir Abdul.

Sir Samuel Hoare: Mr. Chairman, I will not press this point of the election further, but I have not had any answer to my question.

Sir Denys Bray: I am sorry.

Sir Samuel Hoare: I am not suggesting that Sir Denys could have answered it; but the only instance we have apparently is an instance of a breakdown of the election in Peshawar.

Dr. Shafa'at Ahmad Khan: I want to put one question.

Chairman: Is this a question to Sir Denys Bray?

Dr. Shafa'at Ahmad Khan: Yes. Do not you think the question of the transfer of police would be greatly simplified if we adopted the suggestion that the questions of recruitment, transfer and posting of police officers should be under the control of the Inspector-General of Police? If this proposal is considered and accepted by the Services sub-Committee, do you not think the question of the transfer of civil police would be greatly simplified?

Sir Denys Bray: It certainly would be simplified.

Chairman: Now have you finished, Sir Samuel?

Sir Samuel Hoare: I am finished, but not altogether convinced.

Chairman: Have you settled your problem with Sir Abdul, Lord Zetland?

Lord Zetland: I think so; I think I have convinced him that I am on his side.

Chairman: That is something gained.

Sir B. N. Mitra: May I ask Sir Abdul if he has any objection to Lord Zetland's proposal, which seems to me to be quite a good one, for a Province like this. That is that the Governor should preside at meetings of the Executive Council, and therefore should remain in touch with the day to day administration of the Province.

Sir M. Shafi : You mean the Ministry?

Sir B. N. Mitra : Yes, the Ministry.

Sir Abdul Qaiyum : Those are detailed, and I am not a constitutional lawyer.

Sir B. N. Mitra : I quite appreciate your point, that it will not appear in the constitution; otherwise the people will think they are being treated as inferior to people in other Provinces. But it might be dealt with in another way.

Sir M. Shafi : I would earnestly request the members of the Committee not to be too much influenced by hearing of incidents happening on the Frontier, and so on, I want to give you one illustration. Yesterday I mentioned that Sir William Vincent and I went on tour. When we were going from Kohat, had passed a certain point and had reached Dera Ismail Khan, news was received that a raid had been committed on the road, that a motor car following us had been stopped by the raiders, that four or five men riding in the motor were captured by the trans-border people and carried away. The inference was that the raid was really intended for Sir William Vincent and myself, two Members of Council, but having missed us, they captured those people.

Sir Abdul Qaiyum : Only ransom we want.

Sir M. Shafi : Just one moment. It is an interesting fact. That night Major Handyside left us and the police followed the raiders; but they were not able to capture the raiders. When we came back a week later, we received news that the persons who had been carried away had been restored—I suppose after payment of ransom. Now what I am going to tell you will amuse you; it opened my eyes, not then, but afterwards. Five years after this incident, when I had left the Government of India, my son Maummad Rafi went to Bahawalpur on a case. When he was returning from there, and was at the station where the people from Dera Ismail Khan get into the train—I forget the name of the station—two or three military officers, young fellows from the Frontier got into the same compartment where my son was. My son on arriving at Lahore mentioned this incident to me. He said they entered into conversation with each other, and, when they came to know that Rafi was my son, they laughed, and they said to him: "Do you remember that raid that took place when your father was on the Frontier, which was supposed to have been intended for him?" Rafi said: "Yes, I remember." My son said to me: "Do you know what they said, these officers from the Frontier?" "It was all planned in order to bring home to your father the necessity of the forward movement".

(It was resolved that it was unnecessary to hear more expert evidence and that the Chairman should draw up a draft Report to form the basis of future discussion.)

(The sub-Committee rose at 1-5 p.m.)

PROCEEDINGS OF THE FOURTH MEETING OF SUB-COMMITTEE NO. V
(NORTH-WEST FRONTIER PROVINCE) HELD ON 1ST JANUARY,
1931.

The sub-Committee proceeded to discuss the following draft Report,
paragraph by paragraph.

*Tentative Draft Report prepared to serve as a basis of discussion
in sub-Committee No. V (North-West Frontier Province).*

1. Sub-Committee No. V submits the following Report subject to adjustment to the complete constitution.

2. The terms of reference to the sub-Committee are to consider "what modifications, if any, are to be made in the general provincial constitution to suit the special circumstances of the North-West Frontier Province".

3. The sub-Committee comprises the following members—Mr. A. Henderson (Chairman); Lord Russell, Lord Reading, Lord Lothian, Lord Zetland, Sir Samuel Hoare, Maulana Muhammad Ali, Sir Shah Nawaz Bhutto, Captain Raja Sher Muhammad Khan, Dr. Moonje, Sir B. N. Mitra, Raja Narendra Nath, Mr. H. P. Mody, Sir A. P. Patro, Nawab Sir Abdul Qaiyum Khan, Sir Muhammad Shafi, Sardar Sampuran Singh, Dr. Shafa'at Ahmad Khan, Mr. C. E. Wood and Mr. Zafrullah Khan. It held meetings on the 18th and 30th December, 1930, and on the 1st January, 1931.

4. *The Need for Reform.*—The sub-Committee is unanimous in attaching urgent importance to the need for reform in the North-West Frontier Province. It recommends that the five administered districts should cease to be as they are at present a centrally administered territory under the direct control of the Government of India, and that they should be given the status of a Governor's Province, subject to such adjustment of detail as local circumstances require, and the extent of the All-India interests in the Province necessitate.

5. *The Classification of Provincial Subjects.*—The sub-Committee recommends that, as in the other Governor's Provinces, there should be a classification of provincial subjects entrusted to the charge of the provincial government. The precise discrimination of subjects between the Centre and the North-West Frontier Province will require careful investigation in detail, if necessary, by a specially constituted *ad hoc* committee. Subject to the findings of such a committee, the sub-committee contemplates that the charge of the ordinary civil police in the five administered districts excluding the frontier constabulary will pass to the provincial government of these districts, but in view in particular of the close relation of the Province with matters of defence and foreign policy the sub-Committee considers it essential that all matters of All-India importance and all matters connected with the control of the tribal tracts for instance the frontier constabulary, frontier remittances and allowances, and strategic roads (these subjects

being mentioned as examples only) should be excluded from the purview of the provincial government and classed as central subjects.

6. *The Executive*.—The sub-Committee recommends that the Executive should consist of the Governor, assisted by two ministers, of whom one should be an official. The Governor should also function as Agent to the Governor-General for the control of the tribal tracts, and the administration of central subjects peculiar to the North-West Frontier Province. With these subjects, since they will be not provincial but central subjects, the ministers will have no concern. The sub-Committee considers it essential—owing to the close inter-relation between the trans-border tracts and the settled districts and in order that All-India interests may be adequately secured—that in addition to possessing all the powers vested in the Governor of a Governor's Province, the Governor of the North-West Frontier Province should be the effective head of the Provincial administration and preside over the meetings of his own Cabinet.

7. *The Legislature*.—(i) A unicameral legislative Council. The sub-Committee recommends that there should be set up for the five administered districts a single-chamber legislative Council with power to pass legislation and vote supply in regard to all subjects that may be classed as provincial. In addition the legislature should possess the usual powers of deliberation and of interpellation.

(ii) Its size. The size of the legislature should be suited to the convenience of the constituencies. The sub-Committee contemplates a legislative council with a probable total membership, elected and nominated, of not more than 40 members.

(iii) Its composition. The sub-Committee considers that the legislature should be composed both of elected and of nominated elements. The nominated members should not exceed 49 per cent. of the whole house; and of the nominated members not more than 8 to 8 should be officials.

(iv) The franchise. The sub-Committee suggests that the franchise in the North-West Frontier Province should be examined by a special Franchise Committee with instructions to ascertain the extent of local feeling in favour of direct election. If there are difficulties in the way of a direct franchise for all constituencies, a solution might be found in a combination of the direct and indirect systems.

(v) Minority representation. Subject to such recommendations as the Minorities sub-Committee may make, this sub-Committee considers that if Muslims are given weightage in provinces where they are in a minority, the Hindus and Sikhs in the North-West Frontier Province should be given weightage in the legislature of that province. Their representation might be double the figure to which they would be entitled on a population basis.

8. *The Financial Settlement*.—The sub-Committee is satisfied from figures placed before it that on subjects which may be ex-

pected to be classed as provincial, the province will show a large financial deficit. It follows that the provincial government will require financial assistance from central revenues. The terms of the financial settlement will require very careful consideration. The sub-Committee suggests that there should be preliminary expert investigation into the allocation of expenditure between central and provincial heads to supply the basis from which the financial subvention from central (or federal) revenues may be calculated. The sub-Committee apprehends that if the subvention be open to debate annually in the central legislature, the substance of provincial autonomy in the North-West Frontier Province may be impaired. It suggests that the difficulty might be met by an agreed convention that each financial assignment should run undisturbed for a period of years.

St. James's Palace, London.

December 31st, 1930.

DISCUSSION.

The Chairman: The draft Report has been circulated, and we will now proceed to consider it. I will assume that the members of the sub-Committee have read the Report, and so I will merely call the paragraphs, and unless some member desires to call attention to any point I shall assume that the paragraph is accepted. I think we can go straight to paragraph 4, the need for reform. Are there any remarks on paragraph 4?

Paragraph 5 deals with the classification of provincial subjects. Are there any remarks on paragraph 5?

Sir Abdul Qaiyum: Yes, I should like to make a few general remarks. I have read the Report very carefully and as far as my limited intelligence goes, I have studied it and tried to understand it. To me it is a great disappointment. For the first time in my life I see that I have failed to prove the position of the North-West Frontier Province with regard to its need for a proper constitution in a committee or assembly or general meeting of any kind. My disappointment is very great, more particularly because this is the last tribunal which will have to deal with this subject. If I had failed in Peshawar it would not have mattered much; if I had failed in Delhi it would have mattered perhaps less; but if I fail to prove my case at St. James's Palace my case is lost. I should therefore like, if I may, to make one last attempt to make it clear that we want equal status and equal rights of citizenship with the rest of India. That is the main thing we want. As has been repeated more than once, we want to remove this stigma of inferiority from ourselves. Nothing in this world will convince me we are inferior in any way to any other people in India, but I see that I have failed to prove that; hence my great disappointment.

We are worse off now with this Report than we were with the Report of the Simon Commission and than we at present are. Our Province is at present run despotically without any laws and regulations, but in future we shall be under a more despotic rule supported by a constitution. That is my difficulty, and I feel it very much. I honestly tell you that if it had been possible for me to take any action which would relieve me from this life-long worry and trouble I should adopt it, but, while there is a way out, it is not open to me according to my religion and my beliefs.

Only one thing would give me satisfaction, and that is if I do not get the satisfaction of having a proper constitution for the North-West Frontier Province I may at least have the opportunity of making a final attempt to show my position. We came here hoping for something better than this and hoping for something better than the local Chief Commissioner, a very conservative man, and the Government of India, less conservative but at the same time quite conservative, had recommended, and they had recommended certain things in our favour.

Here we are given a Report, paragraph 6 of which and particularly the last sentence of that paragraph, makes it entirely intolerable to accept a constitution with that power vested in the Government of the Province. The effect of that is to take back all that is given. I think I can see the object of these suggestions. A council is needed in the Province in order to relieve the Central Government from the worry of interventions, interpolations, questions and resolutions from day to day at the Centre on matters connected with the North-West Frontier. It seems to me it is with that object that a council such as this is proposed. We shall lose the right of getting some member of the Central Legislature to put a question for us at the centre. If any question is raised about the iniquities of local administration on the Frontier it will not be able to be dealt with at the Centre; it will be said that ~~it is a local matter~~ and had better go to the local council.

What will be that local council? It is said that there will be a bare majority of one person, of one elected member. Our people may not be very regular in their attendance and if one of them goes to the bathroom, as they call it, the majority may be lost. There are many stratagems which may be employed. Some one may ask a man to lunch purposely; and he may be lunching in an adjoining room when the vote is being taken.

But whether there is a majority or not, there will be people elected, and it may be that from among those who are elected a man will be chosen as a minister. It is not stated here that he will be an elected member; he may be a nominated member. At any rate, one man will be taken as a minister, and he will have a colleague who will be, perhaps, his own Revenue Commissioner or Judicial Commissioner, and who will therefore be controlling his mother, his father, and his family. He will have such a man as a colleague, and the two of them will be under the

Governor. The powers of the Governor will be increased; he will not be always looking with fear to the Centre, fearing to be over-ruled by the Viceroy; he will be a Governor now, and that Governor will sit in a small Cabinet with these two people. Well, I can see what the result will be.

Chairman: Did you not want a Governor?

Sir Abdul Qaiyum: Yes, but we wanted a constitutional Governor, Sir, not a despotic Governor who will control his Cabinet; I did not ask for that. I thought we should have a constitutional Governor, who would always, of course, be consulted by his ministers and would have a right to give an opinion; and when there was fear of wrong being done to minorities or fear of trans-border trouble, we are all agreed the Governor should have absolute power to deal with such matters. But this arrangement which is here proposed will be worse than dyarchy. Under dyarchy a minister was entrusted with certain subjects and, except for the money part of it, he was fairly free. It was difficult for him to get money for his subjects under the system of dyarchy, but in other respects his powers were all right. But now appointments will be a matter for the Public Services Commission, and nothing will be left with that minister except some little charcoal to blacken his face before the Council.

Lord Reading: Why do you say that, Sir Abdul? He will be a minister and will have charge of certain subjects, and he will be responsible to the Legislature with the rest of the Government, and of course the whole object of the Government will be to work in accordance with the views of the Legislature and not against them. That follows from the mere fact that you have a constitution.

Sir Abdul Qaiyum: If that is what is meant, then the powers of the Governor may be just the same as in the other Provinces. I could understand that, but here it is said that the Governor will be the effective head of the Provincial administration and will preside at the meetings of his own cabinet. No one can over-rule his own president, by whom he is appointed. It will not be the council who will appoint the ministers in this case.

I said I would not speak at any great length, and I shall not do so. You have a saying in your language about asking for bread and being given a stone, but we have got a still better proverb and it is this. A wife went to her husband to ask for some ornament for her nose, and he cut off her nose. That is what is going to happen to us.

Lord Russell: Why do you say he will have less power than the ministers in other Provinces?

Sir Abdul Qaiyum: Simply because he will be one of a cabinet of three, and will be subject to the will of his president, his Governor, who can hang him if he likes, because it is laid down here that the Governor alone shall deal with All-India matters, and anything can be interpreted as an All-India matter. The

council will have nothing to say as to what matters and what subjects shall be declared All-India, and what subjects shall be declared local. It will be just like the present Frontier Crimes Regulation; it will be worked in the same way. There is a sentence in that that where it is expedient the Deputy Commissioner may refer a case to the Council of Elders. Now, what is being done in practice about this at the present time? "Expediency" has been extended to include weakness in evidence. Where a case is weak and cannot be proved by the police by evidence, and the police and the judiciary are unable to prove the guilt of a person, he is handed over to a tribunal under that provision about expediency, although I should have thought expediency meant anything except weakness in a case, where, according to British law, the advantage goes to the accused.

Sir M. Shaft: If as a constitutional lawyer I may be permitted to answer Lord Russell's question, what I would say is this. A Governor acting on the advice of his Ministers is perfectly compatible with the responsibility of the Ministers to the Legislative Council, but to say that a Governor shall be assisted by Ministers, and at the same time to have a provision that the Governor shall be the effective head of the Government, is entirely inconsistent with the responsibility of the Ministers to the Legislature.

Chairman: Are not we beginning to discuss this report in the wrong way? I allowed Sir Abdul Qaiyum to go on, but are we to assume in his speech that the Report must not be given a second reading? I could understand it if when we got to the particular paragraph to which he has called attention he pointed out his objection, and tried to persuade this sub-Committee to alter it, but we had to put something before the sub-Committee in order to concentrate our discussions. I called para. 4; no remarks were made, and we passed on. I called para. 5, and now we get a general statement which has very little relationship, so far as I can see, to para. 5.

Sir Samuel Hoare: It seems really to relate to para. 6.

Chairman: If we are agreed about para. 5, we can pass to para. 6 and then attempt can be made to amend the draft, and the draft can be amended if that is the desire of the majority of the members of the sub-Committee.

Sir Abdul Qaiyum: May I just say one word to the Committee? I found this Report somewhat surprising last night. It came to me, and I must tell you that I had no sleep last night because of this. I thought that we had discussed the matter, and that this Report was going to be somewhat based, if not entirely, on the sense of the House as the result of our deliberations.

Chairman: And I claim that it is.

Sir Abdul Qaiyum: Yes, Sir; but so much importance is given to a solitary remark passed by Lord Reading in his cross-examination of Sir Denys Bray that the whole thing revolves on that

point. Neither Lord Reading nor Sir Denys Bray, with all his experience of the Frontier, has been able to trace a single subject which within the five settled districts could still be called a matter of All-India interest except that the Province itself is of All-India interest. That, I admit, that the province is of All-India interest; but the Chief Commissioner, with his scrutiny and great energy, could not find more than constabulary, frontier remissions and strategical roads. These things he could quote—constabulary, settled; frontier remissions, no objection; strategical roads—well, even the Viceroy does not attach much importance in his Report to the strategical roads. He says the supervision may be relaxed. There is the relaxation from the Viceroy about these three things. Now, what do we say in this Report?

Lord Russell: Hospitals and schools?

Sir Abdul Qaiyum: Well, they are in the trans-border area. That is what you mean. Part of the hospitals and schools are in the trans-border areas, and nobody is going to touch them. Similarly with irrigation in the trans-border; and then when it comes to the finances I shall be able to prove to you that the calculation is wrong.

Raja Sher Muhammad Khan: Would you take the lines that you object to in paragraph 5, Sir Abdul? Will you do it line by line?

Chairman: That is what I am asking for.

Sir Abdul Qaiyum: Yes.

Raja Sher Muhammad Khan: Please tell us which line you really object to.

Sir Abdul Qaiyum: "In detail" and "ad hoc." I know it is only for want of knowledge that I cannot follow the words "ad hoc".

Sir Samuel Hoare: By a Committee specially constituted for the purpose.

Sir Abdul Qaiyum: Well my reading would be something like this. Omit the words "in detail," so that it would read: "... discrimination of subjects between the Centre and the North-West Frontier Province will require careful investigation." I do not think "in detail" is necessary. Then it goes on: "if necessary, by a specially constituted committee". Those are very important words, "ad hoc committee" and "in detail". That is one omission which I request.

Sir Samuel Hoare: Shall we take that one first?

Sir Abdul Qaiyum: These are the only two omissions I require.

Chairman: You want to omit the words "in detail"?

Sir Abdul Qaiyum: "In detail" and "ad hoc." Well, that will not affect at all the object of the paragraph.

Chairman: Sir Samuel Hoare has explained what that means. It means a Committee set up for the specific purpose.

Sir Samuel Hoare: If Sir Abdul objects to "in detail" I have no view one way or the other. Omit it at once.

Chairman: We all agree to omit the words "in detail," and the Chairman does not agree because he thinks he has taken something from you, Sir Abdul; but if the Committee accepts it I accept it. These words were put in to show that it was the details of the thing that we are going to send to a committee, and not the principle; and if you judge the whole Report in the same way that you judge this point, I do not wonder at the speech you have delivered. However, it is agreed that the words "in detail" come out.

Lord Reading: If you want them out.

Sir Abdul Qaiyum: Thank you very much, Sir. There is the lack of constitutional knowledge which perhaps stands in my way.

Mr. Mody: What I feel about this particular sentence is that it leaves the door wide open for enlarging the sphere of Central subjects, and therefore, since we are all agreed that it is only in certain very special circumstances that the Provincial Cabinet and the Provincial Governor will not have the same powers as obtain in the other Provinces, I think it would be necessary to safeguard that position by making it clear that any departure from the provision which obtains in other Provinces between Central and Provincial subjects will not be made except for very special reasons.

Sir Samuel Hoare: I hope very much that we shall leave these words. Having met Sir Abdul over the words "in detail" and, if necessary, over the point "ad hoc," I hope we shall leave it as it is. My difficulty is this. I want to go as far as ever we can with the North-West Frontier Province, but I see the difficulties, and taking my own point of view I would find it very difficult to go further at this present stage, because there has been no detailed investigation of this kind. If there is going to be an investigation, of this kind, then I am prepared to agree to this paragraph; but I do regard this investigation of the details as quite essential for this reason. In principle I have got no objection whatever to the "black police" going over to the civil authority, but not having heard the details here I want to be satisfied that some expert committee is going to work those details out, and on that account I attach great importance to these words being left very much as they are, and to this Committee being formed. The Committee, as the Chairman has said, will not interfere with the general principle upon which we are agreed, but the committee will settle the details, without which the new constitution will not work.

Dr. Shafa'at Ahmad Khan: You see, the point which exercises us is this, that we may adhere to the reservation of certain subjects as central subjects, but if this is referred again to a committee the scope of those subjects may be so wide that whatever we do here

may be useless. If you empower your *ad hoc* committee to such an extent, then our fight here will have been in vain.

Sir Samuel Hoare: It means really that if we cannot accept a Committee of this kind I should then have to put in quite a definite reservation saying that I did not think that here we had had sufficient evidence, expert or other, to justify me giving in an opinion one way or the other.

Lord Reading: I cannot help thinking, if you will forgive me for saying so, that there is quite an unwarranted distrust of the findings as they are put here, with the notion that they may imply something a good deal more. I quite understand Sir Abdul Qaiyum's point about the Governor, which when we come to it we shall have to discuss. That, of course, is a definite point which he raises, on which there may be differences of opinion; but I would like to say to him myself how I read the draft. I thought that the draft had tried carefully to preserve what we had in mind, which was to say in two or three sentences that we wish to remove in every possible way, all of us, any stigma of inferiority. I thought that we were doing that, and making the reservation of the All-India subjects was what was essentially necessary, not for one second because of any notion that the inhabitants of the North-West Frontier Province are inferior in intelligence or in any way in status to those of any other province, but simply because of the geographical position of the Frontier Province, and of the difficulties which we discussed the last time, and which nobody knows better than Sir Abdul Qaiyum do recur frequently in the Province, and the consequence of that, the introduction of the All-India subjects, is to give them, if that does arise, the right in somebody to determine whether it is an All-India subject or not, and I cannot for myself conceive that you can leave that to anybody else except the Governor. You will have to do that whenever you come to questions of that kind, but you must not assume that the Governor is going to make some ruling which is unfair and unjust. I should have thought, in the other way, you would assume when you have got a constitution of this kind that the Governor could only take particular action if the subject matter really covered an All-India subject, in which case, for the benefit of all India, he has to exercise a right which he would not require to exercise in another Province, because they have not the same difficulties in another Province; and the whole essence of this, as I read it, I confess—I have not had any discussion about it, because I was not able to be present at the last part of the previous meeting—the whole point of it, as it seemed to me, was that this was carefully devised to put the North-West Frontier Province on the same footing as any other Province, subject always to the special conditions which we all agree do apply and must apply still in the five administered districts, but limiting them to All-India subjects. I am reserving the point about the Governor. I know your point very well there, and we will deal with that when it comes up; but I do think, really, that Sir Abdul is unnecessarily anxious about this point.

I read those words " in detail " in a certain way, but I certainly would not spend two minutes over them if Sir Abdul wants them out.

Sir Muhammad Shafi: And apart from the first words they are not very important.

Lord Reading: I am only just telling you how I read it; but putting in the words " in detail " was for the purpose of enabling them to consider things, but reserving the question of principle, which is settled here; but it is not worth spending a moment over, because they were introduced for you, Sir Abdul, and if you do not want them and dislike them, I am quite sure the Chairman and all of us will agree to strike them out.

Sir Abdul Qaiyum: Sir, but I am getting tired of these Committees. I do not like them, and I wish there could be an end to these Committees. A Bray Committee comes, and afterwards a Simon Commission comes, and then a Finance Committee, and then a Franchise Committee comes, and then a Birdwood Committee comes, and then somebody else comes; and I cannot send any messages to those people who are anxiously awaiting what is going to be their fate. They did tell me, " It is no use going there; you will come back with a half-a-dozen more committees ".

Sir Samuel Hoare: But, Sir Abdul, you do really go back, I should have thought, with a very big thing: you go back with a Governor's Province.

Sir Abdul Qaiyum: I do not mind the word " Governor." It means a more despotic Governor than the Commissioner.

Chairman: Sir Abdul, we must keep to the point. We shall never finish if we go on at this rate. You say you cannot send any message to your people. This Committee has already passed a clause in which it says it recommends that the five administered districts should cease to be, as they are at present, a Centrally administered territory under the direct control of the Government of India, and that they should be given the status of a Governor's Province. You yourself object to our calling him a Lieutenant-Governor, and we have actually met you on that point. It seems to me that we cannot satisfy you whatever we do; and what is more you challenge the Report. The Report is based upon the discussion, and where I had not guidance from the discussion I have taken the Government of India Despatch, and on this very point that we are discussing, what does it say? " Instead of remaining a Centrally administered area under the direct control of the Governor-General in Council it is proposed to devolve authority upon the Provincial administration with a classification of subjects into central and provincial, following broadly the lines of the classification in other Provinces "; and we have made provision for that to be done, and that is all that we have done, only the language is different.

Sir Muhammad Shafi: I personally feel no difficulty whatever as regards the words " in detail " and " ad hoc." I have no

objection to the inclusion of these words in the paragraph. My difficulty lies in this, that you practically give express directions to this Committee with regard to what is not to be included in the list of Provincial subjects.

Chairman: This is your Report. This is a draft for you to discuss, and I am trying to get it right.

Sir Muhammad Shafi: Please do not take the word "you" to mean you personally, Sir. What I mean is that the draft Report gives an express direction to this Committee as to what matters are not to be included in the list of Provincial subjects, but does not lay down any principle such as is there in the Government of India Despatch which you were pleased to read to us just now.

Chairman: Then move where you want these words put in.

Sir Muhammad Shafi: That is why I intervened in the discussion carried on by my learned friend. I have no objection to "in detail" and "ad hoc" remaining. What I say is this, that a direction should also be incorporated here introducing those words, that the list of Provincial subjects shall, as far as possible, be on the lines of the Provincial subjects in the other Provinces.

Lord Lothian: At the end of line 3, you want to introduce the words you have just read?

Sir Samuel Hoare: Where exactly does it come?

Chairman: With the classification of subjects, page 76 of the Government of India Despatch, "following broadly the lines of the classification in other provinces".

Sir Samuel Hoare: As far as possible on the lines of the other classification.

Dr. Shafa'at Ahmad Khan: In the Report of the Committee the subjects are mentioned here, the constabulary, frontier remittances and allowances and strategic roads, and the Government of India Despatch says, on this point, at pages 76 and 77, where they mention, beginning at the last line of page 76, all these subjects, and they add this at line 6 on page 77: "We think it probable that on further examination these (subjects) should be classed as provincial". So the Committee should also be instructed to see that these subjects should be classed as provincial. The fact that we class them here should not completely tie the hands of the Committee and compel it to class them as central subjects.

Lord Reading: First of all there is an amendment that we should like to have before us which Sir Muhammad Shafi is proposing, and that would be, what? You would want to introduce what words were?

Chairman: "Following broadly the lines of the classification in other provinces".

Sir Muhammad Shafi: I would introduce those words here: "excluding the frontier constabulary, will pass to the provincial government of these districts". Then I would have a full stop.

Then I would begin the next sentence with the words of the Government of India Despatch, "Broadly speaking," and so on, and then make any reservation that you like following after that.

Lord Reading: You do not object to the subsequent exception which is made with regard to All-India subjects?

Sir M. Shafi: I have not come to that yet.

Lord Reading: It is important.

Sir M. Shafi: I quite agree. As regards that I have only some slight alteration to suggest. I would begin by saying broadly speaking that would be the principle but with the following reservations. The construction of the sentence should be like that: broadly speaking so and so but, in view of so and so the following things should be ———

Chairman: Where do you want to insert those words?

Sir M. Shafi: "government of these districts." There should be a full stop after that.

Lord Reading: Yes, you will get it with the exception following. That is better I think.

Sir Samuel Hoare: Just give us your words.

Sir M. Shafi: The very words of the Government of India Despatch.

Sir Samuel Hoare: Will some one read out the words?

Chairman: Following broadly the lines of the classification in other Provinces.

Sir M. Shafi: Yes.

Sir Samuel Hoare: It would have to be run rather differently.

Sir M. Shafi: "The list of Provincial subjects should follow broadly the line".

Chairman: "in other Provinces." You had better take the actual words.

Lord Zetland: "Subject to the findings of such a Committee, the sub-Committee contemplates that the classification will follow broadly the lines"—what is it?

Chairman: "The classification in other subjects."

Lord Zetland: And "that the charge of the ordinary civil police in the five administered districts excluding the Frontier Constabulary will pass to the Provincial Government of these districts." Then have a full stop there; and then you go on with the exception: but in view ———

Sir M. Shafi: Yes.

Lord Zetland: I think your words would come in better after the word "contemplates".

Sir M. Shafi: Yes, I think Lord Zetland's suggestion is better.

Chairman: Is there any exception taken to this?

Sir B. N. Mitra: But does that meet Sir Muhammad's point, because then you qualify by the words: "subject to the findings of such a Committee." As the words stand the Committee would be empowered to modify the general principle.

Sir M. Shafi: Yes.

Sir B. N. Mitra: I think that should come before that, because that will be a general direction to the Committee.

Sir M. Shafi: Yes, that should come before that.

Sir B. N. Mitra: I think it should come in at the end of paragraph 4.

Chairman: I think it should come in at the end of the third line.

Lord Reading: Should it not come in after the words "The precise discrimination of subjects between the Centre and the North-West Frontier Province will require careful investigation in detail, if necessary, by a specially constituted *ad hoc* committee."

Sir M. Shafi: And here the general principle should follow.

Lord Reading: Yes.

Chairman: "Following broadly the lines of the classification in other Provinces."

Lord Reading: Yes, that will do what you want.

Sir M. Shafi: That is where it should come.

Chairman: That these words be there inserted?

Members: Yes.

Chairman: There is no exception? Then that is agreed. Is there any other point with regard to this paragraph 5?

Dr. Shafa'at Ahmad Khan: Yes; I wanted to raise this point. The instance is quoted of several subjects which are regarded as being connected with Tribal tracts: "The Frontier constabulary, Frontier remittances and allowances, and strategic roads." It is taken for granted that they are matters concerned exclusively with tribal tracts. The Despatch of the Government of India at page 77, 6 lines from the top of the page, says: "We think it probable that on further examination these should be classed as Provincial." They mention the same subjects and they say that they think it probable that on further examination these should be classed as provincial subjects.

Sir B. N. Mitra: The first point there is: what does the word "these" refer to? As I read the paragraph "these" refers to frontier police and other forces. I do not think there can be any doubt about the first three subjects: Frontier constabulary, frontier remittances and allowances, and strategic roads. Do not they all refer to the Frontier?

Lord Reading: It says so clearly in the previous sentence.

Sir Abdul Qayyum: That is not at all clear to me. The question is whether there are any of these things in your settled district,

My point is that the frontier militia, and tribal allowances and tribal remissions are meant here. As regards the constabulary which comes within the settled districts, that we have already agreed should remain at the Centre. Here, if it refers to the control of the tribal tracts, for instance, only the militia work in these tracts, not the constabulary. The constabulary work inside the district. There are frontier militia tribal remissions and allowances and strategic roads. If you think those apply to the settled districts too, then I cannot accept it because they do not apply here to the district. They all pertain to the tribal area and tribal tracts which will be outside the control of the administration.

Sir A. P. Patro : Quite so; that is what is stated here.

Sir Samuel Hoare : Mr. Chairman, you found it exactly, and I hope you will adhere to it. You found exactly the phrasing used by the Chief Commissioner and used in rather more general terms by the Government of India. There is no doubt whatever about the Chief Commissioner's report: frontier remittances and allowances, strategic roads, the extra police and other forces necessitated by the geographical position of the Provinces, etc. These should be classed as central subjects. It is quite clear.

Sir Abdul Qaiyum : It says here: "the sub-Committee considers it essential that all matters of All-India importance and all matters connected with the control of the tribal tracts for instance, the frontier constabulary, frontier remittances and allowances." "Remittances" does not mean anything.

Sir B. N. Mitra : That should be "remissions."

Sir Abdul Qaiyum : It says that tribal remission and allowances and strategic roads "should be excluded from the purview of the Provincial Government." In addition to these, which pertain to the tribal area, we have also excluded the Frontier constabulary which operates in settled districts, from the purview of the Provincial Government.

Sir Samuel Hoare : I should have hoped very much that we might have taken as the basis of our Report the Commissioner's recommendations supported by the Despatch of the Government of India. I found it difficult myself, being even more conservative than Sir Abdul, to go as far as that; but I have been able to bring myself up to going as far as that. But if we are to whittle that down, then I think one of two courses is quite inevitable: either we shall have a number of reservations in this Report, which I should very much regret; or, if we do not have that, we shall have to have a lot of other meetings with expert evidence and an opportunity of judging whether we should minutely make these classifications or not.

Sir Muhammad Shafi : I do hope it will not come to that, Sir Samuel Hoare. What I suggest is this, if I may, as a solution. Why give any instances at all? Leave it to the Committee to decide. There are these general words, that it is essential that all matters of All-India importance and all matters connected with the

control of the tribal tracts should be excluded from the purview. Leave out the intervening words. It will be for the Committee carefully to consider the whole thing.

Sir Samuel Hoare: Sir Muhammad, I should very much prefer to have these in. You may think I am very troublesome about this.

Sir Muhammad Shafi: No, I do not think that.

Sir Samuel Hoare: But my friends are very nervous of all these various issues connected with the Frontier Province. Not that we have not got the greatest effect for the population, but we do regard it as essentially a military area. On that account it would help me very much with my friends if we could have this in.

Sir Muhammad Shafi: All that I gather from my friend on my left is that Frontier remittances is an expression which really has no meaning; that "tribal remissions" should be substituted for "Frontier remittances," "and allowances" already there. He has no objection then.

Sir Samuel Hoare: I think it is much better to follow the wording of the Chief Commissioner.

Lord Reading: You know, Sir Muhammad, these words have got a meaning, and I have no doubt they must mean that. It is so much more desirable, if we can, to keep to the actual official language that is used.

Chairman: Would it assist the Committee if we could agree to leave the paragraph as it is, with the addition of the words on page 77 of the Government of India Despatch: "The broad point is that in making the dividing line between Central and Provincial subjects, regard would be had to the need for classifying as central certain subjects of All-India importance peculiar to the present administration of the North-West Frontier Province, which could not properly be entrusted to the Provincial Legislature?"

Lord Reading: I think that would do quite well.

Chairman: That makes it quite clear. Here are the words if you care to see them.

Sir Abdul Qaiyum: Well, I have no objection. If the worst comes to the worst, we would rather entrust it to the Viceroy and Governor-General to specify it, instead of spending two more years over it.

Lord Reading: It will not take any time.

Sir Muhammad Shafi: You would retain the words: broadly on the lines of other Provinces?

Chairman: Yes, certainly; we have agreed to those words; but I wanted to see if Sir Abdul could be satisfied; I wanted to see whether, if he was not satisfied with the amended paragraph, those words would assist him.

Dr. Shafa'at Ahmad Khan: I would agree if you leave out these instances which are quoted here.

Chairman: Why should we?

Lord Reading: They all have their technical meaning, used in official language, and it saves you putting in a lot of qualifications.

Dr. Shafa'at Ahmad Khan: Then we decide it now?

Chairman: No, we do not; we decide them as matters which should be considered.

Sir Muhammad Shafi: I advise my friend the Nāwāb to accept the Chairman's suggestion. That, I think, is a very good solution.

Chairman: Then we agree to that?

Sir B. N. Mitra: Of course, the words "remittances" must be altered to "remissions."

Chairman: Yes, that is done.

Lord Reading: It has got in by mistake, I suppose.

Chairman: Now; that paragraph 5, as amended, stands?

Sir Abdul Qaiyum: How will it read?

Chairman: Just add these words at the end. I will hand them over to you to read (handing to Sir Abdul Qaiyum a copy of the Government of India's Despatch on proposals for constitutional reform, opened at page 77). It begins: "the broad point is——." It is the last sentence. That will be added to the end of this paragraph as amended, with the words that we inserted earlier.

Sir Abdul Qaiyum: Will that be double: These explanations and those examples?

Chairman: The words are on page 77, the last sentence in the first paragraph.

Sir A. P. Patro: It is only illustrative; it does not fix you to anything.

Lord Reading: That is all.

Chairman: The words here in brackets are not at all necessary, those subjects being mentioned.

Sir Abdul Qaiyum: Yes, that is rather what I wanted.

Sir Samuel Hoare: Then we can leave out the words in brackets.

Sir Abdul Qaiyum: Yes.

Sir Samuel Hoare: There is nothing in that; we do not object to leaving out the brackets; it is only illustration.

Chairman: That again was put in to assist you, Sir Abdul.

Lord Reading: Mr. Chairman, as you pointed out, in truth they are really redundant, because you have really got that by the words "for instance." You have done it.

Sir Abdul Qaiyum: We will not waste time.

Chairman: Very well then: paragraph 5, as amended stands part.

Raja Narendra Nath: Only those words are added; the rest remains.

Chairman: Yes, with the addition taken from the Report. Now we come to No. 6 with regard to the Executive.

Sir Muhammad Shafi: As regards 6, I would suggest with regard to the first sentence in this paragraph: "the sub-Committee recommends that the Executive should consist of the Governor, assisted by two ministers, of whom one should be an official," that that should be modified as follows: "the sub-Committee recommends that the Executive should consist of the Governor, acting on the advice of two ministers to be selected from among the elected members of the Legislative Council." I am entirely opposed to this suggestion of an official minister anywhere at all, in any part of India, for the reasons given by the Punjab Government in their Despatch in which they have discussed this question exhaustively, and given many cogent reasons against this institution of an official minister. It seems to me that the introduction of an official minister in any ministry anywhere in India will create difficulties which will be almost insurmountable, and will make the position of the official minister himself intolerable. It do not want to take up the time of the Committee by taking the Committee through those paragraphs dealing with this matter in the Despatch of the Punjab Government; but the reasons given by the Punjab Government seem to me to be conclusive on this question. I would therefore suggest that this proposal of an official minister should be left out here. When the Governor is head of the Government and has got powers which have been mentioned in the Report of the Simon Commission, and possibly, in regard to the North-West Frontier Province, other powers in addition, there is no necessity of bringing an official element into the ministry at all. I would therefore that this part of the paragraph should be amended.

Sir Samuel Hoare: Sir Muhammad, I hope you will not press this, because, if you think of the history of this, the Simon Commission only two or three months ago made a report definitely against any ministers at all, after very full enquiry. Since then we have had the letter of the Chief Commissioner going a very long step beyond the Simon Report, and giving the Province a very effective share in their own Executive. You have got that supported by the Government of India. At the same time, you have got many people, at any rate here, who are still very nervous as to whether that is not going too far. Now I have been one of the doubters; I have myself wondered whether we ought not, in view of the military character of the Province, to have adhered to the first step suggested by the Statutory Commission.

I am not going to say more than two or three sentences more. I have been—I say so frankly—very impressed by the Despatch of the Government of India; I have been impressed by the advice of the very experienced Chief Commissioner on the spot; I have been impressed by Sir Denys Bray's evidence; and—though I am

afraid he does not think so—I have been very much impressed by Sir Abdul Qaiyum. I want to go at any rate to the extent of making a first step in the Province, and I should like to make that first step with a general backing of unanimity here.

So far as I am concerned, and those to whom I speak, we are prepared to go as far as this. Very likely in the course of time we shall go much further, but this is the first step. It is very much longer step than was made, looking back to the days of the Montagu-Chelmsford Report, with any other Province; it is a sudden jump from no share in the Executive to a very considerable share, and I very much hoped we might all have agreed on this first step.

Sir Shah Nawaz Bhutto: Should the Province be allowed to suffer for not having been given an opportunity before? It is not their fault that it is going to be a big jump.

Sir Samuel Hoare: It is not their fault, no.

Sir Shah Nawaz Bhutto: We are anxious to have equal status only in the civil administration.

Sir Samuel Hoare: We do not want the Province to suffer at all, of course.

Sir Shah Nawaz Bhutto: The military can have any safeguards they please, but it will be very unfortunate if this is allowed to stand in the way of the Province.

Mr. Wood: With all due respect to Sir Samuel Hoare, I should like to say that I cannot see how in any Province an official Minister can be a success. I think it is a most invidious position in which to place an official; and, provided that the Governor of the North-West Frontier Province has the powers which we propose to give to him, I do think it is necessary to appoint the Ministers from the elected members of the Legislature. As I have said, the official Minister would undoubtedly be more efficient, but it is not a case of looking merely at efficiency. We have the safeguard of the Governor, and if the Province cannot be run under a Governor and two Ministers drawn from the Legislature, then I think we are going too far in suggesting what we are suggesting.

Mr. Zafrullah Khan: May I, with respect, submit that the real guarantee of security with regard to the difficulties Sir Samuel Hoare apprehends lies, as has been submitted by Sir Muhammad Shafi, in making the Governor in the North-West Frontier Province the head of the Executive Government. If you have both Ministers drawn from the elected members of the Council, you really are increasing the responsibility of the Council and associating it more with the administration, and any measures the Governor may finally have to take on any matter are likely to be far more acceptable to the Council and to the Province as a whole if it is felt that the Governor, before deciding the matter, has been advised by two of their representatives, rather than if they feel that it is really an official view to which one out of three members of the Government has really been forced to give his assent.

You have the real guarantee that, after all, whether in an emergency or otherwise the Governor is being given greater powers than those of the Governors of other Provinces; he is to be the head of his own Executive. Once that is secured, I think it will give far more support to the Governor if both his Ministers are non-officials rather than if he has an official Minister and the people feel that though one non-official has been appointed, yet as a matter of fact something is being conceded on the surface which is not really being conceded at all. My submission is that without an official Minister there will be greater stability for the Government and greater support for any policy decided on between the Ministers and the Governor than is otherwise likely to be secured.

Lord Reading: I should like to know whether Sir Muhammad Shafi would be prepared to accept this instead of the amendment he has proposed, following on the lines of what the last speaker has said. If it is agreed that the Governor is to be the effective head of the administration according to the words used here, with two Ministers, and that is to be the position, I should have thought, though I have some inclination to the other side, that it might be possible to give up the official Minister provided you get the Governor accepted as the effective head of the administration.

Sir M. Shafi: I have no objection at all to his being the head, and I think that is the right constitutional position; what I am doubtful about is the word "effective". What does that mean—"effective head"? He is certainly the head of the Government.

Lord Reading: I will tell you what I should construe it to mean. I should understand from that, and I did understand from that, that the Governor was not only to preside over the Cabinet of two Ministers but that he would be the effective head, so that if he wanted something done which the Ministers for the time being disagreed with, he would have the power to do it.

Mr. Wood: That is how I understood it.

Lord Reading: That is the essential point; at least, it seems so to me.

Sir Muhammad Shafi: It is the word "effective" which is frightening my friend here.

Lord Reading: I do not mind what word you use so long as we agree on the substance. I think I am rightly interpreting the sense of the sub-Committee when I say we all feel, or at any rate most of us feel, that in the special conditions of this Province, it being difficult at times to determine whether a thing is on this side of the line or on the other side of the line, the dominating subject must be the security of All-India, and the Governor should be in this Province the effective head of the Province. That is the sense in which I have used the word. If you limit it in the way proposed by Sir Muhammad Shafi by putting in the words "on the advice of his Ministers" you are at once cutting down his powers to those of a constitutional Governor, which, speaking for myself, I could never consent to in this Province on account of its special

situation. I have not the faintest distrust of the Ministers or other persons in the Province, but it is necessary to have one man at the top who is entrusted with responsibility and who will exercise his discretion fairly and justly and determine what shall be done if a question arises which at all involves the security of the Province.

For instance, with regard to the police, which we have been discussing, I think we all feel we should be perfectly prepared to give over the control of the local civil police to the Government in this way, provided we were satisfied that if any difficulty arose the Governor had effective powers to act. If he has not you are paralysed. I think what was in the minds of most of us was that if you had an Executive composed of the Governor as the effective head with Ministers, that gives you the security you want, which is not security against the Province—it is a mistake to introduce that—but security for all India. That is what you are trying to secure by this, and I would ask you to take into consideration the fact that if you have this new state of affairs the whole interest of the Governor will be to work in accordance with the views of his Ministers. He does not want to set himself up against them. On the contrary he wants to work with them. If you would agree to this I should feel you had security for all India and I should be prepared to give up the idea of having an official Minister.

Sir M. Shafi: What was troubling me when I suggested this phraseology was simply this; that unless you have some such phraseology as this, what is the meaning of the responsibility of the Ministers to the Legislative Council? I can quite understand, when we come to consider and define the powers of the Governor, the Governor being given some powers over and above the powers of the Governors in the other Provinces. I can quite understand that, and I entirely agree with you that something more is necessary in the North-West Frontier Province; but unless here in this paragraph you have some such words as "acting on the advice of two Ministers to be selected," what is the meaning of the responsibility of the Ministers to the Legislative Council? That is my difficulty.

Lord Reading: I will answer that in a sentence if I may. When you have got a Government constituted with the Governor and the two Ministers, the Ministers are obviously responsible for the advice they give to the Governor; that is why they are ministers. But you do not force the Governor—that is what I am objecting to—to take the advice of his Ministers and act on it; you give him discretion in the interests of all India.

Sir Abdul Qaiyum: I want to know the meaning of a phrase which has often been used by Sir Samuel Hoare, who has spoken about the military exigencies, peculiar conditions, and so on. These things are quite good in words, but we have separated the tribal area from the settled districts; we have separated everything connected with the tribal area and placed it outside the scope of the provincial administration, and certain subjects, which are said to be of All-India importance, have been also taken away from the Province. In addition to that, you have the ordinary powers of the

Governor in other Provinces, where he can in any emergency exercise all sorts of powers and even suspend the whole constitution. In view of that it really puzzles me to know what else is wanted for these few small subjects, unimportant and unconnected with All-India matters, very local and very limited; what else is wanted in the way of powers for the Governor in regard to these?

Lord Russell: I should like to say a word in support of the suggestion which has been made by Lord Reading. Personally I should be very glad if the compromise which he has suggested could be accepted. I would very much rather see two Ministers responsible to the Legislature than one official Minister, and I think it is a good argument that you would not really weaken the power of the Governor in any way by that but would have better touch with the Legislature and give more obvious self-government to the Province. I should be very glad therefore, if that compromise could be accepted, but I think we must bear in mind Lord Reading's observation that the Governor must have control.

In answer to Sir Abdul Qaiyum's last remark, I cannot confess to know myself the conditions that obtain in the North-West Frontier Province, but I cannot help taking into account, as every member of the sub-Committee must, the fact that the Government of India, the Simon Commission and the Chief Commissioner of the Province consider that every matter in this Province is tied up with frontier defence, and you cannot separate the two.

Lord Lothian: Or is liable to be so tied up.

Lord Russell: Or is liable to be so tied up, and, though the Governor may not interfere in the day-to-day administration, you cannot feel safe unless you give him powers greater than those possessed by the Governors in other Provinces where there are not these difficulties. I should be very glad, as I have already said, if Sir Muhammad Shafi could see his way to accept the compromise which has been suggested.

Dr. Shafa'at Ahmad Khan: Lord Reading said that over and above the powers we are going to grant to any Governor in another Province, the Governor in this case should have additional powers, but I should like to suggest that his point might be met if, in addition to the powers conferred on other Governors, the provisions of Section 52 of the Government of India Act were also added. That section says:—"In relation to transferred subjects the Governor shall be guided by the advice of his Ministers, unless he sees sufficient cause to dissent from their opinion, in which case he may require action to be taken otherwise than in accordance with that advice." Suppose we invest him with all the powers we have agreed to in the provincial constitution and also confer this power on the Governor of the North-West Frontier Province that might meet Lord Reading's point.

Lord Reading: I see difficulties in it, because I do not want to put the Governor, or the Governor-General, if I possibly can avoid it, into conflict in any way with his Ministers. In view of ques-

tions which may arise you will have to reserve power to him, but I do not want him to be brought into conflict with his Ministers; I want him to sit with his Ministers and to discuss things with them and to hear what they want and what they think the Legislature will support. You must remember that from first to last he is wholly interested in doing what the Ministers want; he is not interested in doing the contrary. We are very apt—I have to correct myself sometimes—to think of these things in the mentality of what I may call the past condition of affairs, where there has been a good deal of conflict, mostly for reasons of constitutional agitation, which has led to the Governor-General, or a Governor, being in conflict owing to some constitutional demarche on the part of the majority. But that is not the way in which this is going to work.

What is going to happen now if you have a constitution of this kind is that the Governor will sit there with his Ministers with the whole object of carrying out, wherever he can, what the Ministers require, and what the Legislature requires. That is the system under which you are going to work, and in that way the last thing he will want to do is to be brought into conflict. If you keep him there discussing things with them and taking part with them in the work of the Government, I cannot help thinking you will find it will work quite satisfactorily, and that really you will very rarely get a question, if you ever do get one, where the Governor will have to exercise his powers. But those powers should be there, so that you have security, which is the one thing you have to keep in mind. However anxious we may be to meet the views of the North-West Frontier Province and the views of Sir Abdul Qaiyum, who has put them so forcibly before us, and all the time I was there I know we were largely guided by him on these frontier questions, you must preserve inviolate the security of the Frontier, which means the security of all India; you must take steps to do that.

Mr. Mody: I should like to support what Sir Abdul Qaiyum has said. Personally, I think the experiment we are going to try out in the North-West Frontier Province will succeed only if the ministers are invested with full responsibility in the very limited sphere that is going to be assigned to them. If the needs and the circumstances of the North-West Frontier Province are special, the safeguards which we propose to provide are also special safeguards. We have all agreed, including Sir Abdul Qaiyum, on certain special safeguards, namely, that over and above the very wide powers which the Governors of other Provinces will enjoy there is the fact that the troublesome tribal area is taken away from the jurisdiction of the Province, and there is also the fact that the list of Provincial subjects which will apply in other Provinces, will not apply in the North-West Frontier Province; the list there will be very much smaller. All matters, moreover, which we regard as matters of All-India interest will be dealt with not by the Province, but by the Central Executive and by the Viceroy. I think it would be a mistake, therefore, to emphasise the safeguards too much and to try to safeguard the position to an excessive degree. The greater the

responsibility you entrust to the ministers in this very limited sphere the greater will be your chances of success.

Sir B. N. Mitra: My difficulty in the formula suggested by Lord Reading is this, that those particular words will give the Governor power, at least on paper, to overrule his ministry in every case, irrespective of whether there are special circumstances or not, and any constitution which is given to the Province in that form is bound to cause a considerable amount of public feeling. It will seem to bear the stamp of inferiority to the people of that Province as compared with other Provinces.

It is for that reason that I prefer the form of words suggested by Sir Muhammad Shafi, coupled with such specific safeguards as may be required. I think we are all in agreement with regard to safeguards, and if that is so I do not see why we should try to put into our recommendations a form of words which will certainly give the people of the Province a considerable feeling of dissatisfaction. That is my only difficulty.

Chairman: Now we have two suggestions before the meeting, the one by Sir Muhammad Shafi, and the other by Lord Reading.

Sir Samuel Hoare: I am afraid, Mr. Chairman, that I do not at all like to find myself in opposition to a great many members of the Committee, but I definitely go in this matter beyond the recommendation of the Chief Commissioner—namely, that there should be two ministers, one of whom should be official; so that if the general feeling of the Committee is against me, I would ask to have that put in as a reservation.

Mr. Mody: Do I understand Sir Samuel Hoare to say that he also wants the Governor to be, in the words of this draft, "the executive head of the Province."

Sir Samuel Hoare: Yes.

Mr. Mody: That is our interpollation, the word "effective", is it not.

Sir Samuel Hoare: The adjective may be; the substance of it is not.

Dr. Shafa'at Ahmad Khan: May I, with your permission, again invite Sir Samuel Hoare's attention to the very cogent reasons given by the Punjab Government against this institution of official ministers, apart from the North-West Frontier Province or any other Province at all. This is what they say: "There is no doubt that the presence of an official in a Unitary Cabinet introduces an element of unreality into the joint responsibility of the Cabinet and their relations with the Legislature." Nor will the position of such a Minister be easy. He may constantly have to subordinate his considered opinion based on his experience of administration to another view. If he goes out with one Ministry and returns with another, he is likely in popular estimation to come to be considered the unlikely genius of the Cabinet. While if on the fall of the Ministry he reverts to official duties, he stands the risk of being

considered quâ an official as influenced in favour of views which prevailed in the Cabinet in the time of the last Ministry. The inclusion of the official member is a feature of the proposed constitution which has been specially singled out for attack, and has and will be used as an argument to prove that the responsibility of Cabinet is meant to be but an illusion. With the wish that the responsibility in internal and provincial affairs should be as complete as circumstances permit we think it very desirable that no shadow of ground should be left for this allegation, and, after full consideration are prepared to abandon the official member considering that both requirements can be met by an amplification of the proposal made in paragraph 51 for the appointment of a Secretary to the Cabinet.

I venture to think that the position of an official member in a ministry is not only inconsistent with the responsibility of the ministry to the Legislative Council, but will create for the official minister himself from every point of view—administrative, political, from every point of view—an utterly impossible position. Therefore the real remedy for what Sir Samuel Hoare has in view lies in strengthening the position of the Governor in this Province and not in having this official minister. Judge this question on its own merits. An official minister, instead of being any good either to the Executive government or to himself or to the legislature, will be, if I may say so, neither fish, fowl, nor good red herring, and will be entirely a round peg in a square hole.

Sir Samuel Hoare: I am afraid if I made an answer to Sir Muhammad Shafi, which I will not do at length, because there is a difference of opinion between us, I am afraid, I would read out the corresponding passages in the Report of the Chief Commissioner, and in the Government of India Despatch. But I will not do that. I am afraid that here is a point on which we see to disagree. I am afraid I cannot alter my view.

Sir Muhammad Shafi: I am very sorry.

Sir Abdul Qaiyum: Is there anything such as effective control in the Government of India Despatch or that of the Chief Commissioner?

Sir Samuel Hoare: I think there is. It underlies the whole of this passage, I should have thought.

Chairman: I do not know whether I could bring Lord Reading and you, Sir Muhammad Shafi, nearer together. You, I think, in giving us your words, said: "the Governor acting on the advice of two ministers drawn from among the elected members of the legislature and responsible to the legislature." Would it ease the situation at all if we said "assisted by the advice"? You see, you are laying it down peremptorily.

Dr. Shafa'at Ahmad Khan: "Guided by the advice."

Chairman: Well, "assisted by the advice." I am trying to combine the two ideas, if Lord Reading would agree and Sir Samuel could be induced to waive his objection.

Sir Samuel Hoare: I am very sorry, Mr. Chairman. Quite obviously, all one's inclinations are always in the direction of agreeing with one's friends on a committee, but upon this point, I am afraid I cannot.

Chairman: Very well. Could we get the thing narrowed down a little by making it read; "The sub-Committee recommends that the executive should consist of the Governor assisted by the advice of two ministers drawn from among the elected members of the legislature and responsible to the legislature"?

Sir Abdul Qaiyum: You will keep those words, "responsible to the legislature"?

Chairman: Oh, of course.

Lord Reading: I am a little afraid of the last words. The last words are the words that trouble me. They are words for which I doubt whether you will find any precedent in any constitution that is laid down. I do not mind the first words at all. I would accept those.

Chairman: "Drawn from the elected members of the legislature."

Lord Reading: And I would accept also "from the elected members of the legislature."

Chairman: That is going a long way to meet you, you know, Sir Muhammad.

Sir Muhammad Shafi: Yes, I understand; but I thought the whole idea of the ministry was that it should be responsible to the legislature.

Lord Reading: I agree; but you are using technical words which have a very wide meaning, and it is rather difficult to say then what the position is. I should feel very troubled, as I think you would if I were asking your advice, to say what is the position of the two ministers vis-à-vis the Governor, or of the Governor vis-à-vis the two ministers. If you get it in in the words suggested by the Chairman, which go rather farther than I had thought, I would accept it; but it shows quite clearly that he has to be assisted by the ministers, and that the ministers should be drawn from the legislature. I accept that, and I think that covers all that you really can want.

Chairman: May I read again the opening sentence: "The sub-Committee recommends that the executive should consist of the Governor assisted by the advice of two ministers drawn from among the elected members of the legislature."

Mr. Zafrullah Khan: Why do you confine it to elected only?

Sir Muhammad Shafi: It must be elected.

Chairman: You must realise what we are doing if we accept this. We are going to have two ministers drawn exclusively from the elected members of the legislature, and they have to be the ministers to work with the Governor, and the Governor has got to work with their advice.

Lord Reading: That may lead you into a very difficult position, because you have a limited number of elected ministers; you have some nominated who may not be official at all and who may be nominated because of their knowledge and influence in the Province, as I often had the pleasure of nominating Sir Abdul Qaiyum to represent the North-West Frontier Province in the legislature. Well, you shut out then the power of taking any one of those ministers.

Chairman: In the other Provinces such a minister has to seek election within six months.

Sir Muhammad Shafi: The same provision might be embodied there.

Chairman: Would you accept a compromise by accepting the same provision here—that he may be nominated but must seek election within six months?

Lord Reading: I am looking at this rather more in the interests of the Province itself, of course, as one must do, and of the good government of it, than from the limited point of view of what may happen in this Committee. After all, what you do want to get is the two best men from the legislature to be the members of the executive. You may have a first-class man there who ought to be in, but who cannot go in because he has not been elected. It would be better if you could do that. You may get very good men, but one knows the difficulties.

Chairman: He might not be able to get elected, because there might not be a seat.

Lord Reading: There might not be a seat, and there might be other difficulties in it, but yet he may be the best man to put in there.

Raja Sher Muhammad Khan: The Governor may nominate a minister; he will not be appointed by the legislature.

Lord Reading: I should have thought you did not want to shut out from the Governor the power of getting from the legislature the two best men. You limit it so much, you know.

Chairman: You limit it so much that if the best man was among the nominated members you could not select him.

Lord Reading: Perhaps this would meet you. I have no objection to saying that one should be elected, but I suggest that you should confine that to one and leave it as regards the other. That is a way of meeting it, you see, so that you are quite sure of having an elected member of the legislature chosen, and you may have two elected members. The Governor may find that that is the best way of doing it. On the other hand, he may find that although there is a majority of elected members there is somebody else who is nominated who is the best man to put in the place. Well, I want to give him the power to get the best man.

Mr. Zafrullah Khan: Not an official?

Lord Reading : Not an official.

Chairman : May I call the Committee's attention to a point that was put up at the Plenary Session, that " a member nominated by the Council to represent a community which cannot be represented by election should not be debarred from appointment as a minister."

Mr. Zafrullah Khan : In the North-West Frontier Province there are not likely to be any such nominations.

Lord Reading : No, but what the Chairman is pointing out is rather a matter of principle, to show that that principle has already been accepted.

Mr. Zafrullah Khan : I have no objection to that.

Lord Reading : That is all, I think, that the Chairman pointed it out for.

Chairman : Yes, just to show that that idea had been supported.

Lord Reading : You might say, " Two members of the legislature, one of whom must be an elected member."

Mr. Zafrullah Khan : The other may be elected or nominated.

Lord Reading : Leave the other, one way or the other; but one must be elected. You may get both elected, but you do not make it obligatory.

Chairman : Do you agree, Lord Reading, as being responsible very largely for the suggestion we are dealing with, that both have to be members of the legislature?

Lord Reading : Yes.

Chairman : I was just trying to clear the ground.

Lord Reading : Yes, I would be agreeable to that.

Sir Muhammad Shafi : It is somewhat curious that just as I was myself going to make that suggestion, Lord Reading made it. I think it is a very fair compromise, and I would change the phraseology of that, " to be drawn from among the non-official members of the legislative council " to " at least one of whom shall be an elected member."

Chairman : Is that agreeable?

Lord Reading : I am quite satisfied with that.

Chairman : Now there seems to be a measure of agreement—the best measure we have had so far. Now, Sir Samuel?

Sir Samuel Hoare : Would you mind putting in a sentence saying that Sir Samuel Hoare, in accordance with the recommendation of the Chief Commissioner and of the Despatch of the Government of India, holds the view that one of these ministers should be official?

Sir B. N. Mitra : May I be allowed to make a reservation. I do not think that the words used, " assisted by the advice of ", are any better than the words previously used. I may say this quite frankly. I have been an official all my life, I have served for ten years at army headquarters, and therefore naturally I am one of

the most conservative of men; but it was because I felt that it was necessary to bring peace back to India that some advance in constitutional reform was necessary that I did agree to come to this Conference. Well, I feel that the form of words put in will not have that effect so far as the North-West Frontier Province is concerned, and I feel that very strongly. That being so, I shall also ask to be allowed to record my dissent.

Chairman: To what point do you dissent?

Sir B. N. Mitra: I dissent from the use of the words "assisted by the advice of." I should say, "acting on the advice of, subject to",—specifying the powers.

Lord Reading: But that is impossible, because Sir Muhammad has accepted the compromise, so that we have not those words proposed now.

Chairman: You see, if we go on, we may have some one else dissenting, and it would take away the whole value of the compromise.

Sir Abdul Qaiyum: Of course, I am not very clear on this point, because a meeting which is putting into different shape our condition from that of the rest of India is one more nail into the body of that dying Province. Any wording different will not satisfy my people. They are very intolerant people there, and they will at once know the wording, the significance, and the conditions, and the difference that will be made about it, so the less distinction that is made, the more it will be leading to the satisfaction of those people. I agree with Sir Bhupendra Nath's remark that the phraseology should be exactly what it is in the other constitutions, "on the advice of these people." Sir Samuel Hoare's dissent, if it can be recorded, and Sir Bhupendra Nath Mitra's dissent, can be recorded with greater force if it is going to be a dissent in the Report.

Mr. Zafrullah Khan: I want to be clear on one point. These two words were put in by you as a sort of compromise, bringing Lord Reading's view and Sir Muhammad Shafi's view with regard to the position that the Governor would occupy closer together. What is the consequent amendment, after putting in these words, here, that you make with regard to the expressions employed in defining the Governor's powers?

Chairman: We have not got to that yet.

Lord Reading: It is part of the whole thing.

Mr. Zafrullah Khan: Then when we know what the whole thing is going to read like, we shall be able to express a view on this.

Lord Reading: I thought I was accepting your view on this, I accepted the view you put forward, which made me then propose what I did, and then give way to the suggestion later made, and then our minds coincided. That really decides the whole thing.

Chairman: We shall deal with that when we come to it. Can we get agreement on this? With the inclusion of the two reserva-

tions, one by Sir Samuel Hoare, and one by Sir Bhupendra Nath Mitra, is it accepted otherwise, with that amendment?

(Agreed.)

You will now call our attention to the consequential amendment, Mr. Zafrullah Khan?

Mr. Zafrullah Khan: As I understood it, the difference that arose was this. Lord Reading was pleased to point out that he would be prepared to agree to the non-official minister being taken out, provided that the Governor was accepted as the effective head of the Executive. To this Sir Muhammad Shafi took objection. I will not repeat the arguments about that. Then, in order to bring these two views closer together, you were supposed to put forward this form, that he should not be assisted by the ministers, but acting on the advice of the ministers. That was accepted by Lord Reading because it was felt that that change would bring him nearer to Sir Muhammad Shafi's view, and that the word "effective" or the words "effective head of the Executive" need not be there, is a necessary consequence.

Chairman: Well, what do you propose, and then we will discuss it on your proposal. Do you propose the deletion of the words.

Sir A. P. Patro: He wants to delete the words: "the Governor of the North West Frontier Province should be the effective head of the Provincial administration."

Lord Reading: If there is any question of withdrawal from that, I must withdraw everything I have said; because I started on this basis quite clearly; I started on the basis of what was said by the last speaker; I accepted that invitation; I came in with it; I said: "As he is to be the effective head." I made it quite clear what I understood it to mean.

Sir Muhammad Shafi: Mr. Chairman, I am satisfied with that.

Sir Abdul Qaiyum: How is the paragraph to read now, Sir?

Chairman: "The sub-Committee recommends that the Executive should consist of the Governor, assisted by the advice of two ministers drawn from among the elected members of the Legislature."

Lord Reading: "from the non-official members of the Legislature."

Sir Muhammad Shafi: "One at least of whom must be an elected member."

Chairman: The Secretary has got the words; will he please read them out.

The Secretary: "shall consist of the Governor, assisted by the advice of two ministers drawn from among the non-official members of the Legislature, at least one of whom shall be elected."

Chairman: Is that right?

Lord Reading: Yes, that is quite right.

Sir Muhammad Shafi: It ought not to be "should be"; it ought to be "shall be".

The Secretary: I had "shall".

Chairman: Very well, that is the amendment; and the other remains as in the Report.

A Member: Yes, that is right.

Chairman: Now we come to 7 with regard to the Legislature. Is there anything on 7?

Sir Muhammad Shafi: 7 (ii).

Chairman: We will take 7 (i) first. Is there anything on that?

Members: No.

Chairman: Is there anything on 7 (ii)?

Sir Muhammad Shafi: I have nothing to say with regard to that.

Sir Abdul Qaiyum: I have something to say on (ii).

Chairman: Yes.

Sir Abdul Qaiyum: I want the words "for the present" to be inserted.

Chairman: Where do you want those words inserted? Do you want to say: "of not more than 40 members at present"?

Sir Abdul Qaiyum: No, Sir; I want it "elected and nominated."

Raja Sher Muhammad Khan: Yes, both of them.

Chairman: I think you are dealing with Clause (iii).

Sir Abdul Qaiyum: Yes, I am dealing with (iii). I am sorry.

Chairman: Then now we will come to (iii). What is your point?

Sir Muhammad Shafi: On (iii) I have two points. The words are: "The sub-Committee considers that the Legislature should be composed—". That is where the words "for the present" come in. "— both of elected and of nominated elements." Then we suggest: "The nominated members should not exceed one-fourth of the whole house." That is my amendment. That is to say, it should not be more than 10 out of 40.

Lord Reading: I would raise no objection whatever to the insertion of the words "for the present."

Chairman: Very well. Now the suggestion is to delete "49 per cent." and insert "25 per cent."

Sir Muhammad Shafi: Yes.

Chairman: That is the difference.

Sir Muhammad Shafi: I venture to think that nomination is really entirely out of place in the new state of things that is coming into existence in India; but, in view of the peculiar circumstances of the North-West Frontier Province, I am not prepared to exclude

nomination altogether from that Province. But the number of nominated members must be limited to the absolute necessities of the case, and to my mind 25 per cent. is quite enough to cover the necessities of the situation; 49 per cent. of nominated members is too large a percentage. As someone said, if two stay away, then the nominated members have a majority.

Sir A. P. Patro: I suppose he wants to make it 33½ per cent.

Sir Muhammad Shafi: I remember one case in the Punjab some years ago when a distinguished barrister, having a vote in connection with a certain matter, was engaged to go to the mofussil on an important case on a handsome fee, he not knowing that on that day there would be a meeting of that particular body; but the person interested in the success of the proposal came to know of it and he thought it worth his while to pay this handsome fee to the barrister in order to get him out of the way on the day that the matter was coming on.

Lord Reading: We still have something to learn from you in India; I have never known that.

Chairman: Here we have two figures; we have 49 and 25. There is room between 49 and 25 for compromise, if anybody cares to suggest one.

Sir Muhammad Shafi: This is not a case of compromise, Sir.

Chairman: Now, Lord Reading?

Lord Reading: I think I am going towards Sir Muhammad's view. He thinks 49 is too much. I think he ought to be satisfied if we reduce it to 33 per cent. That gives you very nearly what you want. It will give you the effect that you want just the same, you know.

Sir Abdul Qaiyum: There will be a suggestion from me, towards the end, that this constitution, say after five years, should be brought on the same level. So, in view of that amendment which I am going to suggest later on, I will not object to 33.

Sir Muhammad Shafi: Very well, 33.

A Member: One-third.

Chairman: Does anybody object to 33, or ⅓?

Sir Saue! Hoare: It is very difficult to make these bargains.

Chairman: Yes, but one often does it. I have been a Chief Whip.

Sir Samuel Hoare: Yes, and I have been in the House of Commons for many years. If you take my own case, we have had three enquiries into this, and each of them says 49. It is extremely difficult for me to say 25, 30 or 33, whatever it may be. As soon as I get away from the accredited evidence, then I want more evidence. Unless it is quite obvious to me that this Committee does not want to go on with a lot of detailed investigations, I am in a very difficult position.

Mr. H. P. Mody: Having been given a constitution which is far in advance of that suggested by the Simon Commission, I do not think we ought to boggle at 33 and 66.

Dr. Shafa'at Ahmad Khan: The Bray Committee actually suggested 60 per cent. of elected members in 1921.

Sir Samuel Hoare: If I were in the mood for bargaining I would say 40.

Lord Zetland: May I ask what 33 per cent. of 40 people is?

Sir Samuel Hoare: It is 13; it is a very unlucky number.

Lord Reading: I would suggest that we get away from 13 and make it 14.

Sir Muhammad Shafi: "Not more than 14 of whom."

Lord Reading: Not more than 14 out of the 40.

Sir Samuel Hoare: Mr. Chairman, I will not here make a reservation about that. I must think that over. For the purposes of to-day I will agree to that. What my view will be hereafter I do not know.

Sir Muhammad Shafi: I hope you will agree to that; that is quite enough.

Chairman: Then it is: "shall not exceed 14." Has the Secretary got that.

Secretary: "Shall not exceed 14 members in a House of 40."

Chairman: Yes. Now "(iv) The franchise." Is there any question here?

Lord Reading: That is to be examined by a special committee.

Chairman: Yes, we cannot settle it here.

Sir Muhammad Shafi: That is all right.

Chairman: "(v) minority representation."

Sir Abdul Qaiyum: With regard to the franchise I want the principle to be the same as followed in other Provinces. I am not a good draftsman, but some words may somewhere be added to the effect that they will take into consideration the decisions of the Franchise Committee as a principle and as a guide.

Sir A. P. Patro: Each Province will depend upon its own conditions.

Lord Zetland: Could we remit this question to the Franchise Committee which is going to sit for the whole of India?

Sir Abdul Qaiyum: Yes.

Sir Muhammad Shafi: Yes.

Lord Zetland: We are proposing to recommend the setting up of an Expert Franchise Committee on the lines of the Southborough Committee. Why should not this question be remitted to that Committee?

Dr. Shafa'at Ahmad Khan: Yes.

Sir Abdul Qaiyum : Why not take out the last few lines? Why should we suggest it to them? We should leave it to the Committee.

Chairman : I understand Lord Zetland's suggestion is that we leave this paragraph out and insert words to say that this matter is referred to the Franchise Committee.

Sir Samuel Hoare : Yes; I should think in a matter of this kind we ought to do whatever Sir Abdul and his friends wish, I would suggest to him, however, that a special committee might get through the work quicker. You see you are now tying it up with a general enquiry into the whole of the franchise of India. It is for you to choose which you like. As far as I am concerned I do not mind which.

Sir Abdul Qaiyum : Thank you, Sir; but when a distinction is drawn between me and somebody else it is like a red rag before a bull.

Chairman : Now I think there is agreement that this should be suitably worded to say that it will go to the Franchise Committee.

Sir Muhammad Shafi : Yes, to the Franchise Committee to be appointed under the general scheme.

Chairman : “ (v) minority representation.”

Sir Muhammad Shafi : We accept that with pleasure.

Dr. Moonje : Of course I am in principle opposed to the weightage of any minority in any Province; I do not want to have that kind of thing anywhere; but if it is decided that it should be given anywhere, I should like to know what is the percentage of Sikhs and Hindus in the Province.

Lord Reading : That is already given us: 150,000 Hindus and somewhere about 28,000 Sikhs.

Sir A. P. Patro : You have it in the note circulated to us.

Chairman : 150,000 Hindus and 28,000 Sikhs.

Dr. Moonje : I want to know the percentage.

Lord Reading : In the settled districts the Hindus, including Sikhs, represent only 7·9 per cent., of the total population, against a Muslim percentage of 91·6.

Dr. Moonje : I am given these figures: that Hindus are 7 per cent. and Sikhs are 1 per cent.

Lord Reading : Yes.

Raja Sher Muhammad Khan : That is about right.

Dr. Moonje : It may be less or more; my information is that it comes to 6 per cent., but I do not quarrel about that.

Sir Abdul Qaiyum : May I say one word?

Chairman : Yes.

Sir Abdul Qaiyum: In towns the percentage will be very high, or higher than in villages. In villages there are only isolated houses and families who are there, just as at present in the district board their number is very small; but in the towns such as Peshawar, Bannu, Kohat, Abbottabad, they will be fairly high, even on their own rights; and if they are doubled, in some cases they will perhaps be in a majority.

Dr. Moonje: No, I do not mean that I am putting a different thing. The percentage of the total population is about 7.

Sir Abdul Qaiyum: Yes.

Dr. Moonje: Of course I am in principle opposed to any weightage; I would certainly oppose it to the utmost; but if the weightage principle is insisted on in this constitution, then I should like to know what is the proportion of weightage that has been given in other Provinces to similar minorities.

Sir Muhammad Shafi: I make an offer as regards that.

Dr. Moonje: Let me finish.

Chairman: Just a moment; Dr. Moonje has not yet finished.

Dr. Moonje: In my Province a minority is 4 per cent.; and we give them 15 per cent.; that is four times. I think in Madras it is 6 per cent.

Sir A. P. Patro: You are giving them 13. They are about $6\frac{1}{2}$ per cent. and they are being given over 12 per cent.

Dr. Moonje: In my Province 4 per cent. receive 15 per cent. In Madras it receives double. What is the position in Behar?

Sardar Sampuran Singh: In Behar it is 3 times.

Sir Muhammad Shafi: No, that is not so.

Sir 'Abdul Qaiyum: Whatever is given, it will never be less than that; it will be more if possible.

Sir Muhammad Shafi: I make this proposal, Sir. In the United Provinces 14 per cent. of the population have been given 30 per cent. representation; that is to say, a little over double.

Dr. Moonje: Yes, quite right.

Sir Muhammad Shafi: I offer to my Hindu and Sikh brethren three times their proportion in the population. They can divide it among themselves as they like; I leave that to them.

Sir A. P. Patro: Good.

Sir Abdul Qaiyum: You are being very generous, but we shall not quarrel over it!

Chairman: Is that satisfactory? (Cries of assent.) That is a very handsome offer. We shall put "three times" instead of "double". Number 8 is Financial Settlement.

Dr. Moonje: There is one point I wish to make a note of here, and I hope my friend Sir Abdul Qaiyum will not be annoyed with me. My hope is that there may be no need for the Central Govern-

ment to give a subvention for the expenditure on the day to day administration of the Province.

A Member: That is inevitable.

Sir Abdul Qaiyum: With regard to Finance, my idea is quite clear. If the subjects which are to be transferred to provincial administration are brought up to the level of the neighbouring province then after that I myself do not believe there will be much need for an extraordinary allotment for those subjects thereafter. If they are lagging behind now it is not due to any want on the part of the population or a desire for educational and medical facilities, and we should not be stopped on the dawn of the reforms—

Dr. Moonje: On the New Year's Day!

Sir Abdul Qaiyum: Yes, we should not have this stopped at the beginning. All I want is that we should be brought up to the same level as the neighbouring Province in these matters, and I have an amendment which I should like to move later in regard to an excess or a surplus at the Centre to be allocated. Provided these Provincial subjects are brought up to the same standard as prevails in the neighbouring Province I do not think we shall require much assistance.

I pay my taxes at the same rates as do people in other Provinces; I am paying a higher land revenue than is paid in the neighbouring Province; and I pay a higher rate of Court fees for my litigation than obtains in the neighbouring Provinces. If after paying all that my transferred subjects, or nation-building subjects, as they are called, are not up to the level which prevails in the neighbouring Province, I should not suffer, I contend.

Lord Reading: This matter must be inquired into by the Committee which will be appointed.

Dr. Shafa'at Ahmad Khan: We have committed ourselves to the principle of a subvention.

Lord Reading: We say "It follows the Provincial Government will require a subvention from Central revenues."

Chairman: We say that clearly.

Dr. Moonje: My proposal is that that should go out.

Lord Reading: That should be left to the Committee which must inquire into this matter. Any Committee which is going to inquire into this will not want to prolong assistance from the Central Revenues if it is not needed.

Dr. Moonje: We might express the opinion that if it is really needed it might be made for the next five years and then cease.

Sir A. P. Patro: That is just what Sir Abdul Qaiyum does not want.

Sir B. N. Mitra: From the Central Revenues year after year a certain sum of money is being paid to the Province. I think it is in the neighbourhood of two crores at present, of which about a

crore goes to meet the day to day administration of the five settled districts, the balance being for defence and political expenditure in the tribal tracts, so that the liability of the Centre is there. I shall suggest a slight verbal alteration later on, but that liability is there. Simply, because you form the settled districts into a Governor's Province they cannot possibly make their expenditure and revenue balance. They must receive that grant from year to year, and I for one would not put any period to it, because if you put five years it may be that afterwards members of the Federal Assembly like Dr. Moonje will say "We will not give any further subsidy to this Province", and then what will happen to the Province? I say it should be a permanent subsidy. I do not think any precedents are required, but if they are they will be found in some of the other Dominion constitutions.

In addition to that, if the Centre or the Federal Centre has got a divisible surplus to be distributed amongst the various Provinces, the new North-West Frontier Province will get its share.

Dr. Moonje: That is a different point.

Sir B. N. Mitra: But I do not agree with the suggestion made by Sir Abdul Qaiyum that we must raise the level of the administration in the Services in this Province to the level of the Punjab. If we start any theories of this sort, Bihar and Orissa will immediately claim that we must raise the standard of their various Services to that of those in Bengal, and Bengal will claim that the standard of their Services must be raised to that of those in Bombay, though, of course, Bombay is not contiguous to Bengal. It is well known that the standard of the various Services is at the highest level in Bombay, and then there is a graduated scale all over India. I cannot accept, therefore, either Sir Abdul Qaiyum's suggestion as it stands, nor that of Dr. Moonje. The fact is that this annual liability is there and the money should be distributed in the future as a subvention for all time to come to the new Government of the North-West Frontier Province as far as a part of it is concerned, the balance being the Central expenditure on Frontier Watch and Ward and Political Services, etc., in the tribal territory or connected therewith.

Sir A. P. Patro: That is why the Committee will have to go into all these details.

Lord Reading: I agree entirely with Sir B. N. Mitra that we should not put in a limited time.

Chairman: I understand there is a verbal amendment to be made on this.

Sir B. N. Mitra: I think we should put in "(or Federal)" after the word "Central," because I cannot yet see what class of expenditure it will be; it may be a Federal expenditure and not Central.

Chairman: You want the word "Federal" to remain, and you want the words "or Federal" to be added after "Central."

Sir A. P. Patro: We are not drafting the statute.

Sir B. N. Mitra: After "Central" we should put in brackets "or Federal."

Lord Reading: I think that is right; it is carrying out what we suggest later. It is not easy now to say whether it is Central or Federal.

Chairman: That amendment will be made in the fourth line. Is there any other amendment?

Sir B. N. Mitra: The last sentence should go out.

Sir Abdul Qaiyum: I have two amendments to this. I think the sentence "The terms of the financial settlement will require very careful consideration" is superfluous. The Committee which goes into the matter will be careful, but to my mind it is not necessary to have this in.

Chairman: Is anyone wedded to this sentence? (No!) Then we can do that. I think you have another amendment. You are getting it all your own way to-day.

Sir Abdul Qaiyum: Except on the main point. I wish to suggest that the following words be added at the end of the paragraph, so that it will read "An agreed convention that each financial assignment should run undisturbed for a period of years until an excess is required or there is a surplus at the Centre to be distributed."

Lord Reading: It is all covered by the words that are there.

Several Members: Leave it to the Committee.

Sardar Sampuran Singh: As it stands, no time limit is put to the financial help which will come from the Centre. I do not want any definite period to be fixed, but I should like some such words in the fourth line as "It follows that the Provincial Government will require financial assistance from the Central Revenue for some time."

Sir B. N. Mitra: No, indefinitely.

Lord Reading: Why not leave it to the Committee? They will have all that before them.

Sardar Sampuran Singh: After all, our intention is to separate the heads which are Provincial from those which are political and Central. We are going to keep the Political Department and all the expenses which come under that head separate and eventually our intention and ideal should be to make the Province independent financially.

Mr. Zafrullah Khan: The Committee will find out about that.

Chairman: Surely the Committee will take that into consideration?

Sardar Sampuran Singh: As it stands it seems that help is going to be given for ever.

Sir Samuel Hoare : The real check is that the Central or Federal Government will watch these figures closely, and I think we can rely on them, if the Province is self-supporting, to cease their grants-in-aid.

Sardar Sampuran Singh : This will only make our intention more clear.

Chairman : I think the majority of the sub-Committee is against putting in these words.

Sir Abdul Qaiyum : I should like an amendment to be made to add words to the effect that these special reservations and safeguards will last only for the life of the first Assembly, and that then things will return to their normal condition, or there will be some revision.

Chairman : I am much obliged to you, gentlemen.

(The proceedings then terminated.)

Sub-Committee No. V (North West Frontier Province).

REPORT PRESENTED AT THE MEETING OF THE COMMITTEE OF THE
WHOLE CONFERENCE, HELD ON 16TH JANUARY, 1931.

1. Sub-Committee No. V submits the following report subject to adjustment to the complete constitution.

2. The terms of reference to the sub-Committee were to consider "what modifications, if any, are to be made in the general provincial constitution to suit the special circumstances of the North-West Frontier Province."

3. The sub-Committee comprised the following members:—

Mr. A. Henderson (<i>Chairman</i>).	Sir B. N. Mitra.
Lord Russell.	Raja Narendra Nath.
Lord Reading.	Mr. H. P. Mody.
Lord Lothian.	Sir A. P. Patro.
Lord Zetland.	Nawab Sir Abdul Qaiyum Khan.
Sir Samuel Hoare.	Sir Muhammad Shafi.
Maulana Muhammad Ali.	Sardar Sampuran Singh.
Sir Shah Nawaz Bhutto.	Dr. Shafa'at Ahmad Khan.
Captain Raja Sher Muhammad Khan.	Mr. C. E. Wood.
Dr. Moonje.	Mr. Zafrullah Khan.

It held meetings on the 18th and 30th December, 1930, and on the 1st January, 1931.

4. *The Need for Reform.*—The sub-Committee is unanimous in attaching urgent importance to the need for reform in the North-West Frontier Province. It recommends that the five administered districts should cease to be as they are at present a centrally administered territory under the direct control of the Government of India, and that they should be given the status of a Governor's province, subject to such adjustment of detail as local circumstances require, and the extent of the All-India interests in the province necessitates.

5. *The Classification of Provincial Subjects.*—The sub-Committee recommends that, as in other Governors' provinces, there should be a classification of provincial subjects entrusted to the charge of the provincial government. The precise discrimination of subjects between the Centre and the North-West Frontier Province will require careful investigation, if necessary, by a specially constituted

committee following broadly the lines of the classification in other provinces. Subject to the findings of such a committee the sub-Committee contemplates that the charge of the ordinary civil police in the five administered districts excluding the frontier constabulary will pass to the provincial government of these districts, but in view in particular of the close relation of the province with matters of defence and foreign policy the sub-Committee considers it essential that all matters of All-India importance and all matters connected with the control of the tribal tracts, for instance, the frontier constabulary, frontier remissions and allowances, and strategic roads, should be excluded from the purview of the provincial government and classed as central subjects. The broad point is that in making the dividing line between central and provincial subjects, regard would be had to the need for classifying as central certain subjects of All-India importance peculiar to the present administration of the North-West Frontier Province, which could not properly be entrusted to the provincial legislature.

6. *The Executive.*—The sub-Committee recommends that the Executive should consist of the Governor assisted by the advice of two ministers drawn from the non-official members of the legislature, at least one of whom shall be elected.

The Governor should also function as Agent to the Governor-General for the control of the tribal tracts, and the administration of central subjects peculiar to the North-West Frontier Province. With these subjects, since they will not be provincial but central subjects, the ministers will have no concern. The sub-Committee considers it essential owing to the close inter-relation between the trans-border tracts and the settled districts and in order that All-India interests may be adequately secured—that in addition to possessing all the powers vested in the Governor of a Governor's province, the Governor of the North-West Frontier Province should be the effective head of the Provincial administration and should preside over the meetings of his own cabinet.

Note I.—Sir Samuel Hoare holds the view that in accordance with the recommendation of the Chief Commissioner of the North-West Frontier Province, and the Despatch of the Government of India, one of the ministers should be an official.

Note II.—Sir B. N. Mitra suggested the words "acting on the advice of two ministers" in place of the words "assisted by the advice of two ministers" in the first sentence of the paragraph.

7. *The Legislature.*—(i) A unicameral legislative Council. The sub-Committee recommends that there should be set up for the five administered districts a single-chamber legislative Council with power to pass legislation and vote supply in regard to all subjects that may be classed as provincial. In addition the legislature should possess the usual powers of deliberation and of interpellation.

(ii) Its size. The size of the legislature should be suited to the convenience of the constituencies. The sub-Committee contemplates a legislative Council with a probable total membership, elected and nominated, of not more than 40 members.

(iii) Its composition. The sub-Committee considers that the legislature should for the present be composed both of elected and of nominated elements. The nominated members shall not exceed 14 members in a house of 40; and of the nominated members not more than six to eight should be officials.

(iv) The franchise. The sub-Committee suggests that the franchise in the North-West Frontier Province should be examined by the Franchise Committee to be set up to report on the franchise in all provinces.

(v) Minority representation. Subject to such recommendations as the Minorities sub-Committee may make, this sub-Committee considers that if Muslims are given weightage in provinces where they are in a minority, the Hindus and Sikhs in the North-West Frontier Province should be given weightage in the legislature of that province. Their representation might be three times the figure to which they would be entitled on a population basis.

8. *The Financial Settlement.*—The sub-Committee is satisfied from figures placed before it that on subjects which may be expected to be classed as provincial, the province will show a large financial deficit. It follows that the provincial government will require financial assistance from central (or federal) revenues. The Committee suggests that there should be preliminary expert investigation into the allocation of expenditure between central and provincial heads to supply the basis from which the financial subvention from central (or federal) revenues may be calculated. The sub-Committee apprehends that if the subvention be open to debate annually in the central (or federal) legislature, the substance of provincial autonomy in the North-West Frontier Province may be impaired. It suggests that the difficulty might be met by an agreed convention that each financial assignment should run undisturbed for a period of years.

St. James's Palace, London.

1st January, 1931.

(Signed) ARTHUR HENDERSON,

Chairman.

APPENDIX I.

Sub-Committee No. V (North-West Frontier Province).

A BRIEF INTRODUCTORY MEMORANDUM ON THE QUESTION OF CONSTITUTIONAL REFORM IN THE NORTH-WEST FRONTIER PROVINCE, WHICH WAS CIRCULATED TO SUB-COMMITTEE NO. V BY DIRECTION OF THE CHAIRMAN (MR. HENDERSON).

1. Introductory note.—In strict terms the North-West Frontier Province consists only of the five administered districts, the Hazara district east of the Indus and four districts west of the Indus, namely, the Peshawar, Kohat, Bannu and Dera Ismail Khan districts. But since the charge of the un-administered tribal tracts (which, though India, are not a part of British India) is also in the hands of the Chief Commissioner, as Agent to the Governor-General, it is common to refer to the whole area as though it formed the Province. The tribal tracts comprise not only the five political agencies, viz., North and South Waziristan, the Kurram, the Khyber, and the Malakand, but also areas of almost equal extent, the control of which vests in the Deputy Commissioners of the neighbouring districts.

The country on both sides of the border is inhabited by peoples of the same race.

2. Area and population.—The British area of the five administered districts covers 13,400 square miles, populated by 2½ millions of people; the tribal tracts, including the States of Dir, Swat and Chitral, which fall within the Malakand agency, cover 25,500 square miles with a population of nearly three millions. The Muslims are throughout in an overwhelming majority. The population figures for the five administered districts are as follows:—

Muslims	.	.	.	.	.	.	.	.	2,063,000
Hindus	.	.	.	.	.	.	.	.	150,000
Sikhs	.	.	.	.	.	.	.	.	28,000
									<hr/>
									2,241,000

3. The present constitutional position of the Province.—In 1919 the authors of the Montagu-Chelmsford Report recommended (section 198) that for reasons of strategy the Province must remain entirely in the hands of the Government of India. It did not participate in the last reforms, and possesses to-day the same form of government which it was given in 1901 when the five districts were separated from the Punjab. The announcement of 1917 remains unexpressed in the present constitution of the North-West Frontier Province. There is no Legislature in the Province, and no popular element in the Executive. In 1922 a committee over which Sir Denys Bray presided recommended constitutional reform in the North-West Frontier Province, but communal differences on the subject were an obstacle in the way, and the position remained unchanged.

4. The relation between the five districts and the tribal tracts.—In any examination of the problem of constitutional advance in the North-West Frontier Province, it is necessary to be clear that for obvious reasons the form of government set up will apply only in the five administered districts which are themselves part of British India. Any new constitution that may be devised will not operate in the tribal tracts. At the same time, the close inter-relation of the five districts and the tribal territory has always been considered to necessitate a unified control of both areas as essential to the security of the frontier.

5. The special circumstances of the North-West Frontier Province.—The terms of reference to the Sub-Committee are “to determine what modifications, if any, are to be made in the general provincial constitution to meet the special circumstances of the North-West Frontier Province”. The more important special features may be summarised somewhat as follows:—

I. Its geographical position, involving the close relation of the Province with—

- (a) the defence problem, and
- (b) foreign policy.

Points in this connection are—

(1) that law and order, which in other parts of India is a domestic and internal matter, here raise much wider issues;

(2) that the North-West Frontier Province is the terrain in which the Army must be expected to operate for the defence of India against external land attack; and

(3) the need, which has already been mentioned, of unified control over the five administered districts and over the tribal territory.

II. Political inexperience.—The Province has practically no experience of the elective system or of representative institutions. Elections have, however, recently been introduced in the Peshawar municipality, and it has now been decided to introduce direct representation for the constitution of local bodies.

III. Deficit finances.—A note is appended to indicate in a readily intelligible form the financial position of the North-West Frontier Province in the Budget of 1929-30 compared with the audited accounts of 1924-25. It is estimated in the note that the “provincial” excess of expenditure over revenue amounts to Rs. 1.11 lakhs. Since the North-West Frontier Province is still a “centrally administered” area its present budget is included within the central budget.

6. Points at issue.—Suggestions are sometimes made that the problem of constitutional advance in the North-West Frontier Province should be solved by the re-amalgamation of the five districts with the Punjab. It is possible that the Sub-Committee may wish to indicate its own view on that particular proposition.

Assuming for the moment that the North-West Frontier Province remains a separate unit, the following issues would appear to arise in any consideration of revising the form of government in the Province:—

(a) Should a Legislative Council be established in the North-West Frontier Province?

(b) If so, how should it be composed, and what should be its powers?

Under this head, matters arising for consideration would be the franchise, whether direct or indirect; the representation of minorities; and the proportions of nominated and elected elements; and, as regards powers, the legislative and financial powers of the Legislature.

(c) How should the Executive be composed?

The present Executive is purely official. The questions at issue would be the substitution in its place of a popular Executive or an Executive in which popular and official elements may be combined; and, secondly, the position of the Chief Commissioner or Lieutenant-Governor (by whatever name the head of the administration may be called).

(d) The relations between the Executive and the Legislature.

These relations must necessarily depend to a large extent on the powers of the Legislature.

- (e) What should be the special powers vested in the Chief Commissioner or Lieutenant-Governor?

The point at issue will be whether, owing to its special circumstances, the special powers to be given to the Governors in the British Indian Provinces should be increased in the North-West Frontier Province.

- (f) The classification of subjects.

For reasons peculiar to the conditions of the North-West Frontier Province, and in particular repercussions on External Affairs and Defence, it is possible that the classification of provincial subjects in the Provinces generally may require some modification. Thus, to take some examples, frontier constabulary, frontier remissions and allowances, strategic roads may all require to be classed definitely as central subjects.

- (g) The financial settlement.

The issue is of particular importance owing to the heavy deficit in provincial revenues and the consequent demand on central revenues for the balance. It may be found appropriate that assignments of revenue from the centre to the North-West Frontier Province should run for a term of years.

The Financial Position of the North-West Frontier Province.

The attached* statement, which shows the financial position of the North-West Frontier Province in the Budget of 1929-30 as compared with the audited accounts of 1924-25, might be of interest to the sub-Committee. The statement separates the heads of account which would, in the case of a Governor's Province, involve, as affecting Central subjects, a charge upon the Central Government. One correction only has to be made in order to obtain a true picture of how the Province would stand financially if it were placed in the same position as other Provinces; viz., some of the expenditure under Civil Works should properly be debited to the Central head "Frontier Watch and Ward" in so far as it concerns frontier works. If this correction is made, the "provincial" excess of expenditure over revenues will be reduced, in 1929-30, to 1.11 lakhs and the "Central" excess will be raised to 1.34 lakhs. The Province as a whole remains, according to the Budget of 1929-30, a deficit Province to the extent of nearly 2½ crores of rupees.

Looking at the provincial figures alone, after making the suggested reduction under Civil Works, it will be seen that the Province would require a subvention of 1.11 lakhs to enable it to finance, *on its present scale of expenditure*, what are classed as provincial subjects in Governors' Provinces. Its outlay of these subjects has grown, during the past six years, by 34½ lakhs, while its "provincial" revenue has remained practically stationary. This anomalous financial position is due to the position of the Province as the Warden, on behalf of the whole of India, of its North-Western Frontier.

* Statement overleaf.

Figures in thousands of Rupees.

Revenue Heads, <i>Nel.</i>				Expenditure Heads, <i>Nel.</i>			
Head.	Accounts, 1924-25.	Budget, 1929-30.	Increase (+) or Decrease (-).	Head.	Accounts, 1924-25.	Budget, 1929-30.	Increase (+) or Decrease (-).
Land Revenue	15,52	16,57	+1,05	Irrigation	7,93	3,02	-4,91
Excise	5,04	4,14	-90	General Administration	16,33	18,16	+1,83
Stamps	11,85	11,30	-55	Administration of Justice	2,79	5,25	+2,46
Forest	81	60	-21	Jails	4,82	6,86	+2,04
Registration	72	64	-8	Police	26,78	20,02	-6,76
Miscellaneous	4,89	5,78	+89	Scientific Departments	4	5	+1
				Education	11,01	19,04	+8,03
				Medical	3,92	4,02	+10
				Public Health	1,72	1,07	-65
				Agriculture, etc.	92	1,74	+82
				Miscellaneous Departments	5	2	-3
				Civil Works	50,24	85,63	+35,39
				Pensions	2,70	4,68	+1,98
				Stationery and Printing	87	68	-19
				Miscellaneous	68	69	+1
Total "Provincial" subjects	33,83	39,03	+20		1,30,80	1,80,53	+49,73
					91,97	1,41,50	+49,53
Customs	-8	-73	-5	Excess of Expenditure over Revenue.			
Taxes on Income	6,02	8,07	+2,05	Territorial and Political Pen- sions.	53	48	-5
Opium	72	-	-72	Interest	-8,63	-9,84	-1,21
Currency	6	2	-4	Ecclesiastical	96	82	-14
				Political	22,11	24,46	+2,35
				Frontier Watch and Ward	92,69	95,62	+2,93
					1,07,66	1,11,54	+3,88
Total "Central" subjects	6,72	7,96	+1,24	Excess of Expenditure over Revenue.	1,00,94	1,03,58	+2,64
					2,38,46	2,92,07	+53,61
Gross Total for Province	45,55	46,99	+1,44	Excess of Expenditure over Revenue.	1,92,91	2,45,08	+52,17

APPENDIX II.

SUB-COMMITTEE NO. V (NORTH-WEST FRONTIER PROVINCE).

Notes on the North-West Frontier Province.

Circulated to the Sub-Committee at the request of Dr. Shafa'at Ahmad Khan.

(1) Strictly the North-West Frontier Province consists only of the five administered districts as, however, the charge of the tribal tracts is also in the hands of the Chief Commissioner, who acts as Agent to the Governor-General, as far as these tracts are concerned, the term is loosely applied to the total area covered by the five districts and by the tribal tracts. The tribal tracts, including the States of Dir, Swat and Chitral, cover 25,000 square miles with a population of nearly three millions. The population of the five administered districts is 2,241,000. The total area of the five districts is 13,400 square miles.

(2) From the time of the British annexation of the Punjab in 1849, down to 1901, the five frontier districts remained with the Punjab, and the Punjab Government also assumed responsibility for the control of the adjoining frontier tracts. In 1901, in consequence of the decision "that the conduct of external relations with the tribes on the frontier should be more directly than hitherto under the control and supervision of the Government of India," the whole area was taken under the immediate charge of the Government of India, a separate Frontier Province was created, and the Punjab lost the five districts.

(3) There are two points which should be vividly grasped in this connection. In the first place, the Frontier Province was an equal partner in the Province of the Punjab. All the Acts, legislative, executive and judicial, which were the product of the energy and foresight of a long line of British Administrators in the Punjab were applied automatically to the Province. There was no distinction between the various parts of the Punjab Province, and the five districts benefited considerably by the ample resources, greater opportunities, and wide scope which the Province as then constituted offered to the inhabitants of the Frontier. The five settled districts which now constitute the Frontier Province supplied some of the smartest, most enterprising and ablest officers to the Punjab Government, and the executive ability, driving power, and capacity no less for leadership than for teamwork and discipline which the Indian officials of the then Punjab Government displayed were borne in upon all who came into contact with them.

(4) In the second place, the Province was separated from the Punjab, not because its inhabitants were either illiterate, backward or unprogressive, but because military considerations necessitated it. The Government of Lord Curzon came to the conclusion that the external relations with the tribes on the frontier could be more effectively conducted by the Central Government. That the regulation of external relations, and the needs of the defence of India, were not regarded as an obstacle to the political development of the new Province, will be clear from the 5th paragraph of the Despatch of the Secretary of State for India, dated December 20th, 1900. "In the case of the settled districts," which were to be detached from the Punjab, "it is clearly undesirable that the people having already enjoyed the benefit of a highly organised administration, with careful land settlements, its laws and regulations and the various institutions of a progressive civil government, should be thrown back from the stage which they have already reached." Lord Curzon's Government made it perfectly clear that the administration which was to be organised for the new Province would not fall short of the standards which had hitherto been maintained in the Punjab.

On the contrary, it was assumed throughout, at that time, that the people of the new Province will suffer no diminution either in the political, or in the administrative reforms which the Punjab no less than other Indian Provinces might introduce. Separation from the Punjab was not intended to imply political stagnation, or constitutional inertia, and the Province was assured of a progressive administration, adapted with a view not only to the defence of the Frontier, but also to the political and economic needs and aspirations of the people of the Province. Its strategic position, instead of being a chief hindrance to its constitutional development, was regarded then, and has been rightly considered since, by the Frontier people, as the most effective, and the most potent argument for political advance. The promises made to the Frontier people were not, however, redeemed. While the Punjab and other Provinces of India forged ahead; while the benefits of the Minto-Morley reforms were conferred throughout India in 1908-09, the new Province was treated as a special, or rather a backward area, and the inhabitants deprived of all means of representation of their views and feelings. The period that followed was one of intense political activity in the Province. The white area pulsed with life and energy, and its people were in sympathy with movements, ideals and ideas which the rest of India expressed in no uncertain terms. The masses were roused; the educated classes increased in number and influence; while the discharged soldier who returned to his native village imparted a new element of energy and discipline to the national movement. While maintaining strict discipline and self-control, and preaching loyalty to the British Government, he demanded a voice in the government of his village or town, so that he might improve his lot. The people were no longer content to remain passive and passionless spectators in their own land. They demanded change in the method of Government, and they do so for eminently practical purposes. They insisted on facilities for the education of their children; they asked for cleaner and better houses, and asked for all the amenities of modern life. They were by no means content with a change in method; they went further, and insisted on change in the form of their government. They felt that mere tinkering with a few things here and there would not be sufficient. They must be masters in their own household and permitted to shape their own destiny, consistently with the peculiar military and strategic position of their Province. They compared and contrasted their position in 1912 with that occupied by the other Provinces, after the Montagu-Chelmsford Reforms, and the more they reflected, the more discontented and dissatisfied they became. In the meanwhile, though the Report of the Bray Committee was published in 1923, the Government of India took no action on it till 1927, and even then they deliberately shelved the point to which the Frontier people attached supreme importance, viz., the introduction of reforms in the Province. Meanwhile public opinion had undergone a most remarkable change in the brief interval. All classes and communities in India gradually acknowledged the justice and equity of this demand, and the Hindu community which had originally offered some opposition to the demand, ranged itself solidly behind the champions of reform, and expressed itself in unambiguous terms in favour of this proposal. Lala Lajpat Rai wholeheartedly supported the motion in the Legislative Assembly on March 11th, 1928, which demanded the introduction of reforms in the Frontier Province on the same footing as in other Provinces of British India.

(5) The position at the present time may be briefly summarised as follows:—The question of Frontier Reforms is not a "Communal" question any longer and an overwhelming number of Frontier Hindus support this demand. The Nehru Report which considered the problem with the greatest care, came definitely and deliberately to the conclusion that the Frontier Province should be placed on the same footing as other Provinces of British India. Let me quote here a passage from the memorandum on the North-West Frontier prepared by the Government of India for the Simon Commission (Volume IV, page 253), "Hindu political opinion outside the Province has become largely, if not entirely, reconciled to a constitutional advance."

(6) It will, indeed, be correct to state that practically all organised political parties in India, whether Hindu or Muslim, support the demand in its entirety. It is admitted by all parties that the reforms to be granted to the Provinces must in no case fall short of those which the latter may enjoy. In the Province itself, the differences between the Hindus and Muslims have completely disappeared. The Hindu community is as anxious for the constitutional development of the Province as the Muslim and the fears of a microscopic minority among the Frontier non-Muslims which had often been trotted out as the greatest obstacles to advance, have given way to a feeling of trust, security, confidence and goodwill which are without a parallel in the history of the Province. There is a solidarity of national interest, a bond of common patriotism, and common pride in the glorious history of their Province, which have knit together classes, creeds and communities in the Province. The recent events in the Province have now made this demand the dominant issue in the lives of the people. The whole Province has been roused. There is not a single hamlet in the remotest village; not an adult in the five administered districts, who do not take the keenest and intensest interest in the political future of the Province. The movement has acquired a momentum, and exercises an influence on the daily lives of the people which would have been inconceivable a year ago. All the people, from the highest to the lowest, are animated by the resolve to place their province on precisely the same level as other provinces. The whole Province is in a ferment, and is watching anxiously for the fulfilment of a promise which has been made on numerous occasions, but never redeemed. In India, the problem has exercised and is exercising profound influence, and the Indian National Congress and other political organisations have been made it one of the most important planks in their programme; while on the trans-border tribes are discontent, and their intense dissatisfaction with the status of their Province, has produced very serious effects.

I have tried to describe as briefly as I can the events that have led up to the present movement. The Frontier people are a brave, virile and high-spirited race, whose extraordinary valour and unique administrative vigour are recorded in the history of India, Afghanistan and Persia. They are democratic by instinct, tradition, environment and religion. Their manly virtues, sterling qualities, and practical ability are testified to by all who have come across them. They find other Provinces enjoying the blessings of reforms, they find education, sanitation, medical relief, and co-operative credit societies developed in the Punjab as well as other Indian Provinces with remarkable success. They could have achieved the same results, had they been given the opportunity. Yet, in their present condition, they are virtually powerless and helpless. While possessing qualities which are the surest foundation of a self-governing nation, they are deprived of the merest rudiments of self-government. They have no voice in their own land; laws are made for them, but not by them, while they serve merely as cogs in a great machine. They feel humiliated. Their pride receives a shock from the consciousness of their political impotence and insignificance. It is sometimes said that they have received no training in local bodies and that it would be dangerous to give them so much power as at the start. If they have received no training in local bodies, it is through no fault of their own. Nor have local bodies always been recognised as indispensable links in the chain of constitutional reform. The following extract from the Despatch of the Government of India is conclusive on the point. "The five districts of the North-West Frontier Province are not behind the adjoining districts of the Rawalpindi and Multan Divisions of the Punjab in point of intelligence and capacity. In these Punjab districts the method of direct election to district Boards and Municipality was still unknown when the reforms of 1919 were introduced. Nevertheless, they have participated with success in the dyarchical constitution of the Province. The people of the North-West Frontier Province may well claim that the absence of direct representation for local purposes should no more obstruct the introduction of responsible government in their Province now, than it did in the Punjab in 1919."

(7) Nor has the British Government invariably insisted on preliminary training in local self-government before granting a legislature with full powers, either to a province or to a nation. The Boers who had laid down their arms to the British Government in 1901 had not gone through the stages either of local self-government or of a Parliamentary legislature. They lived a life and followed a programme which cannot be regarded as either advanced or modern, when compared with those of the Pathans. Yet the British Government virtually handed over an extensive area to them. No one has suggested that their early deficiency in political training really stood in the way of their efficient administration. Many other examples could be given. It is not the training so much as the foundations of character which are necessary to the maintenance of that equipoise in a State which is the pre-requisite of its stability. The Pathan has all the qualities which go to the making of an administrator and a legislator. The best evidence of this is the work he has accomplished in India and elsewhere during the last seven hundred years. If the Province is given Reforms, it will greatly assist in the restoration of peace to India, and will lead to the building up of a healthy, prosperous and contented Province which be the best security against invasion. The Province acts as the doorkeeper of India. It is the sentinel which watches the foes outside and guards its teeming millions with a loyalty and energy which have won unstinted praise from everyone. If the people are contented and happy they can be of the greatest help to India. It is through them that the turbulent tribes are kept in check. It is through them that peace, law and order reign supreme. His work in the Army is so well-known that it is not necessary for me to describe it. It is a truism to state that the British Government cannot afford to have a discontented Province while the foes are knocking at the gates outside. A discontented Province on the Frontier is a source of the greatest anxiety to the Central Government. This anxiety is multiplied tenfold when and if trans-border tribes invade the Province. If to the enormous cost of punitive expeditions and the tremendous outlay of men and money which they involve, are added deep dissatisfaction among the masses of the Province, the position of the Government becomes one of extreme difficulty and delicacy. From every point of view—from the point of expediency, equity, and statesmanship—it is necessary to satisfy the desire of the people of the Frontier Province, and thus to ensure peace not only in the Province but also on the trans-border and throughout India.

(8) The demand of the Frontier people may be summed up in the phrase—placing of the North-West Frontier Province on the same footing as other Provinces. If other Provinces are granted complete provincial autonomy, the Frontier Province should also be guaranteed precisely the same status. We are as fit to participate in the new Reform as any other Province in India, and we see no reason why our Province should be treated as a "depressed" Province. We want a fair field and no favour. Unless this is done, unless we take an honourable and equal place in the units that will constitute the Indian Federation, we would rather go without any reforms. Educationally, socially and economically, we are as good as the neighbouring Province or other Provinces of India. We admit that the strategic position of the Frontier Province may render slight modification in details necessary, and a few subjects such as the Frontier Constabulary may have to be reserved for a certain period. This can be adjusted, when we discuss the classification of subjects and divide them into Federal and Provincial. The fundamental principle must, however, be kept constantly in view, *viz.*, that no subject should be classified as Central or Federal in the Frontier Province which is not classified as such in other Provinces of India, unless the strategic position of the province makes it imperative.

The new province will be justified in asking for a subvention from the Central Government for the administration of certain provincial subjects in order to meet the deficit. The details can be worked out later on by the sub-Committee.

(9) Before I conclude, I should like to draw your attention to the case of Assam. When Assam was separated from Bengal in 1911, it was given a legislature, and was assured a progressive and efficient administration. Assam though a small Province, has enjoyed a separate legislature, and progressive and efficient administration, in spite of the fact that it contains a large number of backward tribes. It participated in the Montagu-Chelmsford reforms, and is now on a footing of absolute equality with other Provinces. Separation benefited Assam greatly, and the Province is able to stand on its own feet. Compare and contrast this with the treatment meted out to the Frontier Province. This Province, instead of benefiting by separation, has lost heavily by the change. Its administration cannot be said to be as good as, or better than, that of the Punjab or other Province of India. Its education has been retarded by the policy of retrenchment pursued by the Government of India, and the Hartog Committee on Education makes a pointed reference to it in its Report:—"How relentlessly the policy of retrenchment was applied may be gathered from the fact that in the North-West Frontier Province alone, within two years, the expenditure from the Government Funds was reduced by nearly two lakhs, 125 primary schools were closed, one of the two posts of Circle Inspector was abolished, the junior Anglo-vernacular training school for men was closed, all the three training classes for men attached to the Government high school were abolished, the only normal school for women was given up, and grants-in-aid were generally reduced." It may be said that generally the standards of most of the "nation-building" departments of the Frontier Province fall considerably short of those attained in other Provinces. In the sphere of law and order, it is worth remarking that the Jirga system shows no sign of decline. Hence, separation, instead of being a blessing, has proved to be a Dead Sea apple.



Indian Round Table Conference

12th November, 1930—19th January, 1931

PROCEEDINGS OF SUB-COMMITTEES

(Volume VII)

[SUB-COMMITTEE No. VII (Defence)]

INTRODUCTORY NOTE.

Proceedings of the Indian Round Table Conference in plenary session, and in Committee of the whole Conference, are contained in a separate volume, the Introductory Note to which explains, briefly, the procedure adopted by the Conference.

Proceedings of Sub-Committees are contained in nine volumes as below :—

- Volume I.—Federal Structure.
- „ II.—Provincial Constitution.
- „ III.—Minorities.
- „ IV.—Burma.
- „ V.—North-West Frontier Province.
- „ VI.—Franchise.
- „ VII.—Defence.
- „ VIII.—Services.
- „ IX.—Sind.

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INDIAN ROUND TABLE CONFERENCE.

SUB-COMMITTEE No. VII.

(Defence.)

The Sub-Committee was constituted as follows:—

Mr. J. H. Thomas (*Chairman*).

The Earl Peel.

Sir Samuel Hoare.

The Marquess of Reading.

The Marquess of Lothian.

H.H. The Maharaja of Alwar.

H.H. The Nawab of Bhopal.

H.H. The Maharaja of Bikaner.

H.H. The Maharaja of Kashmir.

H.H. The Maharaja of Patiala.

Sir Akbar Hydari.

Sir Mirza M. Ismail.

Colonel K. N. Haksar.

Mr. Srinivasa Sastri.

Sir Tej Bahadur Sapru.

Diwan Bahadur M. Ramachandra Rao.

Diwan Bahadur Ramaswami Mudaliyar.

Sir Phiroze Sethna.

Mr. M. R. Jayakar.

Dr. B. S. Moonje.

Mr. B. V. Jadhav.

Sir B. N. Mitra.

Sardar Sahib Ujjal Singh.

Lieut.-Col. H. A. J. Gidney.

Sir Hubert Carr.

Sir Muhammad Shafi.

Mr. M. A. Jinnah.

Dr. Shafa'at Ahmad Khan.

Nawab Sir Abdul Qaiyum.

Raja Sher Muhammad Khan.

with the following terms of reference:—

“On questions of political principle relating to defence, other than strictly constitutional aspects to be considered under heads 6 (Powers of the Executive) and 12 (Relations with the Crown).”

(NOTE.—The terms of reference are meant to include such questions as Indianisation, but to exclude minor administrative matters such as the number of Sikh Regiments, etc.)

PROCEEDINGS OF THE FIRST MEETING OF SUB-COMMITTEE No. VII
(DEFENCE) HELD ON 7TH JANUARY, 1931.

Chairman: Your Highnesses and Gentlemen. I want to relieve your anxiety right away by intimating that I do not think it will be possible for us to finish our business to-night, and therefore we want, so far as this evening's Conference is concerned, to take a

general review of our terms of reference. You will gather that our terms of reference exclude the Constitutional aspect of the question in the wider sense. A few moments ago reference was made to that. The real object of this Committee's work, I am going to suggest to you not with a view of insisting that there could be no alteration, might, I consider, be classed under four heads; first, what is broadly called the Indianisation of the Indian Army; in short what steps (if any) and how best we can accomplish a common ideal which can be summarised in a sentence that I will use—to give a better opportunity to the Indian soldier to attain the rank and position that he desires and to which his ability entitles him. I would prefer to use that short definition of what is called the Indianisation of the Army. The second matter under that same category would be this. If it was decided, as I personally hope it will be, that more responsibility must be given, what ought to be the necessary steps to be taken to bring that about? Obviously the first question that arises under that head is: ought there to be in India the same opportunity for the training of officers that exists in this country? In other words, whether you are to have in the future a Sandhurst, if I may use that short phrase, in India? Both these questions, I put it to you, come under the first category which I mentioned.

Secondly, there is the question whether any separate force should be raised and maintained outside the Regular Army on the lines discussed in paragraph 211 of the Statutory Commission's Report, and to which the Government of India's Despatch also makes reference.

Now, that would naturally raise in a very concrete form the question of whether you ought to have, and whether it is necessary in connection with any defence force—Army, Navy or Air Force—what I would call for short a unified control. No one who gives two moments' consideration to the matter could assume that you could have an Army separate and with dual authority; therefore the question naturally arises as to what I would call for short unified control.

H.H. The Maharaja of Kashmir: That is No. 4.

Chairman: That would be No. 2. I am summarising it in my own way. For the moment I will call it my No. 1 and my No. 2.

Thirdly, there would arise the question of the establishment of a military council. That, again, would be necessary in order to ensure any form of unified control, and the question would be, to whom that council should be responsible.

Then the next question, which is not the least difficult, would be the financial liability of India for the general cost of defence. That is not a new subject; it is one that has occupied the attention of Indian politicians for a long time and various suggestions have been made with regard to it.

At all events, I put to you that those four questions cover in the main our terms of reference. There may be others, but I put them

in that form because I think it will then avoid the possibility of us getting into a general discussion on a matter that has already been the subject of discussion in another Committee, the general defence of India. All that is work for the other Committees. I put it to you as a general proposition that the terms which I have already indicated cover in the widest possible sense the kind of questions that we, as a Committee, are called upon to consider. I only say that as a layman and not as a soldier, and the virtue of my position may be affected by the fact that I am not a soldier and that you may have an added advantage over me when we are talking about defence questions.

Sir M. Shafr : Which other Committee are you thinking of?

Chairman : The Committee that has just adjourned.

Sir M. Shafr : But that Committee discusses only the constitutional aspect of defence.

Chairman : That is right.

Sir M. Shafr : That is all.

Chairman : That is what I have said; we will not go into the constitutional aspect of defence at all.

Sir M. Shafr : May I make a suggestion?

Chairman : Certainly.

Sir M. Shafr : I should like to suggest that the members of this Committee should be supplied with a copy of the preliminary address that you have just delivered setting out the points of our discussion so that we may have it in front of us when we are dealing with the various matters.

Chairman : Certainly, that shall be done, but I do not want that to be laid down as decision.

Sir M. Shafr : No, No.

Chairman : What I had to do was to apply myself to the problem as I saw it and give a general review of what appeared to me to be our functions; and although we will arrange, of course, for that to be circulated it must not be taken that that lays down the laws of the Medes and Persians.

Sir M. Shafr : That is right.

Mr. Jinnah : Our terms of reference are these, to consider questions of political principle relating to defence other than the strictly constitutional aspect which is being considered by the Federal Committee. Then there is the question of relations with the Crown. When will that come up?

Chairman : Again, I do not dogmatise, but I have thought of it, and I have come to the conclusion in my own mind that they cannot be separated. For instance, when there is talk of dominion status you must keep this in mind. There is a form of Commission that is essentially a Dominion Commission as distinct from the King's Commission. I never disguised from the Imperial Conference that I hated the separation but it is for you to say. Therefore it is

involved in the question of a unified system, so that I think for all practical purposes they should be discussed together. It may be that you would make separate recommendations, and it may be that in a general discussion they may be discussed together.

Mr. Jinnah: In this Committee?

Chairman: In this Committee.

Mr. Jinnah: Therefore except for the strictly constitutional aspect we discuss the rest?

Chairman: Yes.

Mr. Sastri: Does this classification cover the question of the rate of Indianisation? I am not clear.

Chairman: Obviously it does for this reason. Again, as I have said, I am not speaking as an officer, but when you talk about the rate of Indianisation that is a phrase, but in its practical application what it means is this. What could be the period where training and experience would warrant responsibility being given to a certain person? It is not a question of saying Smith or Brown, or Robinson is entitled to be called General, but it is that Smith, Brown and Robinson have graduated through a period of experience and of training that fits them and makes them competent to be Generals. Therefore that cannot be determined by (I put it to you as it appears to me) a resolution; because you could declare if you like that on and after 5 years every officer should be an Indian. That would be a declaration and a resolution. It might sound popular, but if in practice when it was worked out you knew perfectly well that in five years they would not be competent to take that position, and that no Britisher would be competent to take it in five years, not because they would not be competent because they were Indians but because they would not have the necessary experience, it would be merely (to use a Canadian phrase) "humbug" to say it.

Mr. Sastri: I understood you to mean that. I was anxious to raise a different point. What I had in mind was the rate at which Indian officers would be recruited to replace the British officers now in command? That was the rate of Indianisation that I meant.

Chairman: I see your point.

Mr. Sastri: I thought your classification would not include that.

Chairman: Let us see what the position is at the moment. A certain number of Cadets go to Sandhurst—it suits their parents to have them trained, and so on—and opportunities are provided for those Cadets ultimately to take their place in the Indian Army. That is one point. Supposing you were to decide that it would be a good thing to establish a Sandhurst in India. I could conceive of you doing that and not excluding Indian public schoolboys from still attending Sandhurst here if some of them so desired. I am not excluding that, but I can conceive an arrangement being worked out in that way. Therefore what you would have would be this. You would have a number of entrants into Sandhurst here who

would be given their opportunity, but you would have a Sandhurst established in India and you would have the nucleus all the time to take their place in the Indian Army. Therefore, if that were the picture that I could conceive we would agree upon, I cannot conceive of you or anyone else being able to answer the question at what period, so far as years are concerned, could the whole of India be, if you like, controlling the Army; for the simple reason, that at the present time it takes, I think, 24 years to 26 years—some of my military experts will correct me—to become even a Lieutenant-Colonel.

Mr. Sastri: 26 years.

Chairman: Very well; that is why it is difficult for me to answer the questions specifically.

Sir B. N. Mitra: So far as the several Heads formulated by you are concerned, I do not think there will be any trouble about them. We want a real Indianisation of the Army and we want the Indianisation of the Army to go on at a very rapid pace consistent with efficiency and the necessary requirements of military training, and things of that kind.

Similarly, with regard to Sandhurst, I do not think there can be any difficulty. Everyone of us is very keen on having a well equipped Sandhurst in India which will satisfy the highest requirements of military training and education.

The real question to my mind is that: are we at this particular moment to leave the question of the Indian Army being Indianised from top to bottom absolutely in a vague condition, or can we decide upon the time within which we may expect—I am not pinning you down to a timetable, to the date and hour—the Indian Army to be Indianised in the true sense of the word? I know that attempts were made to draw up a scheme during the time of Lord Reading when Lord Rawlinson happened to be the Commander-in-Chief. I served on some of these Committees as a Member of Lord Reading's Government, and I should like to know whether your present advisers think it will take, say, about 40 years, or 25 years, or 50 years, or 60 years for the Indian Army to be Indianised, for an indefinite time. I should like some light to be thrown on that aspect of the question, because I believe there were schemes drawn up not by politicians but by very highly placed military officers which were founded on the assumption that the Indian Army could be Indianised within a reasonable distance of time. Reading the Statutory Commission's Report—I confess I speak with all respect to the authors of that Report—the position to my mind is in a very unsatisfactory state, because as the authors of that Report say they cannot stipulate the time, but that it may be in the near future. By the near future I do not mean a year or two. Then they think that the defence of India should always be an Imperial charge. That is a view from which I very strongly dissent. I believe you will find, if you inquire, that schemes have been prepared by the highest of military authorities which would surprise everyone, that such a thing was possible as to Indianise the Army within a reason-

able distance of time. I do not see any reason why at this distance of time after 10 years we should leave that matter in the air. Personally speaking I think, with all respect to the authors of this scheme in the Report, that they did not go as far as some of the other schemes did go. I should like that question to be taken up and discussed. In other words, what I want really is that the objective should be before us that India has to achieve the status of a Dominion and any scheme of Indianisation of the Army which is drawn up must have a direct relationship to that objective. No scheme which has been drawn up yet to my mind has that objective in view. Now we are here, and we may as well be frank, working to achieve the full and complete status of a Dominion within a reasonable distance of time, and I want to know whether such a scheme could be produced by any Army expert, or whether you would give directions that such a scheme should be prepared, so as to satisfy the legitimate wishes of the people in this matter. I do not care about the practical side; that is a matter for the technical experts, but I believe attempts in that direction have been made in the past. I think they should be made more vigorously now.

Sir M. Shafi: I should like to say a few words to supplement what the last speaker has said. Both he and I were members of what was then known as the Military Requirements Committee. After the examination of a large number of witnesses, both official military experts and others, we submitted a Report.

H.H. Maharaja of Alwar: I should like to know whether we are starting on the discussion of the first subject upon the Agenda.

Chairman: For the moment I rather gather that we are having a sort of general discussion as to whether my broad headings cover our views, and then we shall come to each item later.

Sir M. Shafi: If His Highness the Maharaja had waited for a minute before he interrupted, the point of my preliminary remarks would have become clear in a very short time. The Government when Lord Rawlinson was Commander-in-Chief prepared a complete scheme of Indianisation of the Indian Army within a certain period. Probably that scheme is pigeonholed somewhere either in the India Office or in the archives of the Government of India. I understand that this question of the Indianisation of the Indian Army is one of the questions which you mentioned, Mr. Chairman, when you delivered your address. I am sorry I was not here then.

Chairman: That is so.

Sir M. Shafi: In connection with that question, what we would like to know is will materials be supplied to this Committee for the purpose of expressing its own opinion as to the Indianisation of the Indian Army, and will we be allowed to submit for the consideration of the Committee our views regarding the Indianisation of the Indian Army, whether those views are based upon, perhaps, the very schemes prepared by the Government of India or whether those views are based upon our own independent examination of the whole question. Will those materials be before us or not, and will

we be allowed to submit our own views with regard to a scheme of Indianisation to the Committee?

Chairman: I think I had better answer both those questions right away.

Sir Akbar Hydari: I want to understand what is meant exactly by the Indianisation of the Indian Army. Does it mean merely the officering of the Indian portion of the Army in India by Indians and not by Europeans, or does it also mean the replacing of the European troops by Indian troops?

Sir M. Shafi: It means the Indian Army and not the British Army in India, what is known as the British Garrison. That we have nothing to do with. There can be no Indianisation of the British Garrison: it is the Indianisation of the Indian Army.

Chairman: Yes.

Mr. Jinnah: That is exactly what I was saying in the other Committee when you came in. When you talk of the Indianisation of the Army, at the present time our Army is composed of roughly 170,000 Indians and 60,000 British troops. But I am giving very rough figures.

Chairman: I have the figures here.

Mr. Jinnah: Those entitled to the rank of officer number about 3,000 in the Indian Army proper, and the other is about the same number practically, or a little less. Now, when we talk of Indianisation it is a very vague phrase. You see there is a misunderstanding at once. One party understands merely the Indianisation of the officers of the Indian Army proper. Then what is to happen to the other part of the Army? I should like your ruling on this, Mr. Chairman. Is the whole scheme to be discussed; first of all, the Indianisation of the Officer ranks in the Indian Army proper and the replacement of British troops, because as long as that is not done we cannot increase the Indian troops. Therefore it is part and parcel of the whole issue.

Sir Akbar Hydari: That is quite true.

Mr. Jinnah: If you like you can take them separately.

Chairman: But you must; they are two distinct questions. I understood Sir B. N. Mitra's reference to Indianisation when he raised it was the Indianisation of the Indian Army.

Sir B. N. Mitra: Exactly.

Chairman: I understood that and I applied myself to that. That obviously answers your question.

Sir Akbar Hydari: Thank you.

Chairman: Therefore, again, two points have been made; whether I as the Chairman have been supplied with some schemes in the archives of the India Office or the War Office dealing with this problem, and whether those schemes which are intended to define a date for this Indianisation are available to the Committee. That is the first question. I will answer that by saying that I

have been supplied with no schemes and do not want any schemes. I do not want you to have any schemes because any schemes that were so prepared would be valueless in relation to the position in which we find ourselves to-day. Surely as commonsense men we must apply ourselves to the problem as it is and not as it may have been forecast by anyone. That is my first answer. I have no schemes; but if you want any scheme, certainly it will not be a difficult matter to get one for you. I put it to you that it is far better to face the broad common sense of the problem with a clean slate than to be fettered in any way. If you want schemes, do not worry, we will get you them.

Mr. Jinnah: I am very glad to hear that.

Chairman: That is my answer right away.

Now with regard to the second point which was raised, what have you got in your mind as to whether it is fifty years, sixty years, or twenty-five years, or any other years. My answer is that neither the Government nor myself nor anyone approaching this question has got any period in their mind, and we cannot have a period in our mind because we are dealing with a practical proposition that cannot be determined by resolution. The facts are very simple and I repeat them, that if we here unanimously decided that what is called the Indianisation of the Army should take place five years from now, or ten years from now, or any other period that is mentioned, that declaration would be useless unless it carried with it a certainty and knowledge that that Indianisation which was dependent upon competency and experience would materialise by the experience that would be gained in that time, and that experience could not be gained unless it took the form of a process that you have to lay down. I am sure you do not misunderstand me. That is my difficulty; not because I am reluctant to say a period but because if we apply ourselves to a system that will bring that about, however we bring it about, time and circumstances will determine that by the scheme that we formulate and not by the mere declaration that we make.

Sir B. N. Mitra: My meaning was not that I expect you to declare that the whole Indian Army will be Indianised from top to bottom within a period of, say, ——— years; but assuming that we are to achieve Dominion status within a reasonable distance of time I think we must prepare ourselves for the Indianisation of the Army with that object in view. I should very much regret if the whole thing was left in a perfectly vague condition. I do not expect you could within the time at our disposal produce a scheme which would satisfy everyone, but I do certainly want some sort of direction to be given that a scheme must be prepared so that public opinion may be satisfied that there is a reasonable chance of the Indian Army being Indianised within a reasonable distance of time, and that the responsibility of self-defence being made over to the Indian Parliament at some time or other in the near future should be discussed.

Chairman: Is not that then exactly what we are to consider? But if there is any doubt let me remove it right away. So far as we are concerned, if any one has in his mind any view that we, the Government, are against in principle what is called the Indianisation of the Army let me remove that right away. We are not; but that is a phrase. Do let us apply ourselves to the practical application of the question, and that will be the work of our Committee.

Sir B. N. Mitra: I understand the point, but let me put it in another way. We are thinking of starting a Sandhurst in India.

Chairman: Yes.

Sir B. N. Mitra: On what scale we are to start this Sandhurst, what the enrolment is to be, what the amount of staff is to be, and how the various departments are to be regulated, will all depend upon our objective. How many students do we wish to train every year? That can only be determined by the time during which we wish the 6,000 odd officers to become Indians. The questions are all inter-related and we have to have some definite view. I am not sure that we can say twenty years, or twenty-five years or thirty years; but I think we must have some rough idea in our minds.

Chairman: I understand your point.

Dr. Moonje: If the first place, I think there is no organic relation between the acquisition of Dominion status and the acquisition of responsibility for the defence of India because these are quite different things. Somehow or other for reasons which we will not go into here we have not been trained to be prepared to take the responsibility of defence immediately, but that does not mean that India is not fit for the acquisition of Dominion status. The history of the British Empire will show that there are Dominions in the Empire which acquired Dominion status without being absolutely prepared to take the full responsibility of their self-defence. Their defence was guaranteed by the British Empire through its Navy. It is not the fault of the Indians that they are not in a position to take responsibility for the defence of their country. Therefore, it is the duty of the Empire to guarantee the defence of India until we in the natural course of events are in a position to take full responsibility. Therefore I think when we come to details and when practical propositions are made as regards Indianisation and the methods by which Indianisation is to be achieved that itself will decide the period when we shall be in a position to take complete responsibility for the defence of India. I therefore think when the time comes for practical details of Indianisation that in itself we settle the period when India will be in a position to defend herself.

Chairman: Might I suggest something that will save time? I do not want to hear a word about the competency, the qualification, or the desire of India to defend herself. All that may be taken for granted. I do not want to hear any discussion whatever about the advisability of defence because everyone knows perfectly well that India must be defended and that will be an obligation on the

British Empire. Do let us apply ourselves to this simple proposition, a demand that better and greater facilities shall be given to Indian subjects to participate in the value, for what it is worth, of what is called the Indianisation of the Indian Army—what those facilities are to be, how they are to be brought about, what is the control, and what shall take place in the period leading to the ultimate goal. Now, is not that a fair way of summarising the matter?

Mr. Jinnah: Let us get to grips at once. I beg to differ from my friend Dr. Moonje, because that is a different point. The real point is this. The principle we are agreed—Indianisation; Indianisation as rapidly as possible if you like. Let us see what is to be done. With regard to the Indian Army proper—I am speaking from memory now and I am open to correction—we have to think of what will be the vacancies per year. That is the first thing. You cannot possibly turn out people who are already there. I do not think that is suggested by anyone.

Sir B. N. Mitra: No.

Mr. Jinnah: We have 3,000 odd officers in the Indian Army proper. Out of that I believe there are only 70 Indians who hold the King's Commission—70 or 71; I am giving round figures. The remaining number of the 3,000 are British. Out of this total number of the officer ranks every year there is a certain number of vacancies and we have to recruit for those vacancies. You cannot go beyond that.

Dr. Moonje: That is right.

Mr. Jinnah: That is your highest limit. Having got that number—again I am speaking from memory because my mind is really occupied with the other Committee and I have not got my papers with me—I believe there are vacancies for about 100 per year roughly.

Dr. Moonje: 150.

Chairman: Never mind for the moment.

Mr. Jinnah: It may be a few more or less, but I am almost certain it is 100 in the Indian Army. The whole point is this. In the Skeen Committee we were up against this very question, and the question was how many should be Indians out of the 100 every year. You know as well as I do that it was only in 1918 that for the first time an Indian was declared eligible for a King's Commission. Then the Government of India, or the British Government, decided that there should be 10 vacancies for Indians at Sandhurst per year—that is, reserved—and under the present scheme of the Skeen Committee the suggestion is that the number should be increased from time to time. We started with double the number, 20, but that leaves, again, 18 British to be recruited as against 20 Indians. The question of the acceleration of Indianisation will depend upon what you are prepared to agree should be the number of Indians.

Dr. Moonje: That is right.

Mr. Jinnah : That is the first proposition. Out of the 100, or whatever the number may be, what is the number of Indians?

Chairman : 95 is the actual number.

Mr. Jinnah : Very well. The first question, therefore, is this, what is the number of Indians to be? Speaking for myself, and I believe my colleagues agree with me, I think that that number should be fixed, and I want no qualification of any kind whatsoever. Put them to a thorough test. I do not wish the efficiency of the Army to be in the slightest degree impaired because we shall be putting in their hands the property and the lives of 300,000,000 odd people. Therefore I am very strong for rigorous and if, you like, strict tests of their capacity. The question really before this Committee is what is the number you are prepared to give us out of this 95? That is the whole issue.

Chairman : Perhaps some of Their Highnesses have a view on this, because you have to remember, and I am sure you all do, that in addition to the very pregnant question you raised which is the kernel of the whole thing, is also the question of the position of the States.

Mr. Jinnah : Yes, I am not disregarding that.

Chairman : Therefore I would like at this moment, seeing that we have had a general discussion, to have the views of one of Their Highnesses.

H.H. Maharaja of Bikaner : Our idea is that whatever future arrangements we are making will be for a Federal army, and we would like to hear first what our British Indian friends have to say, and then if we have any special observations to make we will make them.

Chairman : As long as that is understood.

Sir Akbar Hydari : The proposition is that all the British officers in the Indian Army should be replaced by Indian officers in the shortest possible time. What then according to expert opinion is the shortest possible time within which that transformation can be effected, and how is that time determined. What are the real elements? What has to be the maximum rate of recruitment of Indian officers in place of the total number of vacancies in the Indian Regiments in the officer ranks, and what is the period that will be required when the higher ranks of the military service will be so filled with Indians that they will be able to command in the fullest sense of the term in war and in peace the Indian portion of the Army? Upon that will depend the answer to the question: what is the time during which the Indian Army can be Indianised to that particular extent?

Chairman : I am so glad you have put that question because it must be one that as practical people we shall apply ourselves to. This is not a question of the competency of a race or a people; everything that I say would be equally applicable to a British soldier as it would be to an Indian soldier but the test is not

whether he is an Indian or whether he is a Britisher; the test is whether he is competent, whether he is qualified and, above all, whether he has reached that stage which, when we are dealing with discipline in the troops, he can command that support that carries his troops with him, because if that is not kept in mind the rest is valueless.

Then the second question you raise is not alone what is his relationship to India as an Indian soldier, but what is his relationship as a Dominion to the rest of the Empire as a fighting unit. Now, all those things must be considered and therefore that is why I refuse to talk about any period.

Mr. Jinnah : The period —

Chairman : Would be determined by circumstances.

Mr. Jinnah : No.

Dr. Moonje : The period will be determined when the practical suggestions are made as regards recruitment. For instance, if a proposal is made to-day that we require 95 recruits every year and we agree that out of that 95 as many as even the whole of it, if possible, had to be recruited from competent people, then it means—

Mr. Jinnah : The period is to be determined—

Dr. Moonje : Pardon me. Supposing we make a concrete proposal in this way, that 95 is the limit of the yearly recruitment for the officers of the Indian Army, and we come to an agreement that out of the 95 as many as possible who are competent are selected, then of course the period will be about 25 or 30 years. When a man has been in the Army for 25 or 30 years he will come to a position in the Army when he will be able to control a Regiment and he will be raised to the rank of Colonel or Lieutenant-Colonel in that way. Therefore the point is out of the 95 how many, if not all, can be recruited from India if the candidates can be got.

Sir M. Shafi : May I point out that it is quite true that any scheme which can be prepared for the Indianisation of the Indian Army will have to take into account the number of vacancies that occur every year, and also as to how many of the vacancies that occur are to go to Indians. When you have prepared such a scheme the scheme itself will determine the period during which the Indianisation is to take place. It is obvious, Dr. Moonje, that the scheme will do that because as vacancies occur and as they are filled up by the appointment of Indians the number of British officers will go on correspondingly diminishing.

Chairman : That is true only up to a point because what we must keep our minds on is this. Supposing there was an examination now. I will take a hypothetical case. There are about 30 of us here round this table. Suppose there was an examination in oratory everyone of us would get through.

Dr. Moonje : Yes.

Chairman: We would all get through. But supposing some other test was to be applied, God knows we might all fail, and therefore you cannot say 95 would pass because there are 95 vacancies. It is dependent upon competency; but again I emphasise, and I think Mr. Jinnah made it quite clear—he took the view that there must be no interference with the test.

Mr. Jinnah: Of course not.

Chairman: I think you made it quite clear that there was to be no difference in the test.

Mr. Jinnah: May I point out that I have now the figure before me and I am taking it from the Report. I think we were wrong as to figures. The normal strength of the cadre of officers of the Indian Army, cavalry and infantry units, has been taken as 3,200.

It is understood that the wastage in that cadre has never been calculated, but it is assumed to be 160. That was the figure supplied to the Committee.

Dr. Moonje: My impression was that it was 150.

Chairman: I am told that what you have quoted from is an error. I do not know, of course.

Sir P. Sethna: It was the figure given to the Committee by the Government.

Chairman: I am told that that is so, but that it was wrong.

Mr. Jinnah: Sir, we have had great difficulty about this figure before. I should therefore like you to be good enough to ascertain now from the Department a definite figure for the wastage per year.

Chairman: I will certainly do so.

Mr. Jinnah: We will call it X for the moment. We will proceed on the footing of X. I think we are off the point when we talk of fixing the period. The period will automatically be fixed according to the scheme. I do not want you to get frightened about this proposal of mine: I do hope it will not frighten anybody here, but suppose I say that from next year there shall be no British recruitment in the Indian Army proper, but that it should be only Indians who should be recruited. I venture to say that within a very short time the officer ranks of the Indian Army proper will be Indianised to the fullest extent.

Dr. Moonje: Say 30 years.

Mr. Jinnah: Therefore really it is no use saying we will do it in 25 years, 30 years or 50 years; it depends on the basis which is laid down.

Chairman: Plus something else. There is not only the test, but I am wondering whether we have taken clearly into account the fact that the first test is not necessarily the final test. I can quite conceive of any number coming through what we may call the Indian Sandhurst at the first test, but are we to assume that over a period of ten, fifteen and twenty years the same qualifications which brought them through the first examination will necessarily

get them through the examination which must be passed in order to be, say, a General? There is that factor to consider.

Mr. Jinnah: May I answer that question at once. In the ordinary course, either the man is fit to go on in the graded promotion, or else he is not fit.

Chairman: Yes.

Mr. Jinnah: Let us assume he has become a Major, and has got as far as that, and that after that he is no good and can never become a Colonel. What will you do with him?

Chairman: I do not know anything about the Army, but I assume that if he gets far enough to be a Major he will be all right as a Colonel. I think he would be found out much earlier than that.

Mr. Jinnah: It does not matter. He will start as a Lieutenant, and he may get stuck somewhere. What will you do with him if he does? Will you keep him?

Dr. Moonje: If he is inefficient, chuck him out!

Mr. Jinnah: You must chuck him out, and then there will be a vacancy.

Chairman: That is why you calculate dates.

Dr. Moonje: Suppose we fix the number at x . The first basic point is, are we prepared to say that if we get all the competent and best qualified material in India all the vacancies will be filled by Indians? That is the first basic point, and that will ascertain the period that will be taken for Indianisation.

Sir M. Shafi: The period will be automatic under the scheme. That is the point I was making, and you said "No"—without understanding my point you said "No".

Chairman: I have not looked at any particular schemes, I have been trying to look at the facts. I have already said "What value would any schemes be in the circumstances we are dealing with to-day, where we have a new situation?" It must not be taken if I do this that I am giving necessarily our last word or our views at all or anything of that sort, but, with the sole object of guiding the sub-Committee, would you like me to get out a memorandum on the problem as it exists, giving you the officers, the time, the training that is necessary and so on? It will not be given as an opinion, but as a statement of the problem with which we have to deal. If you think that will help you, I shall be delighted to do that.

H.H. The Maharaja of Bikaner: In this connection I think a point which was discussed a few minutes ago and which was raised by Mr. Jinnah, might also be dealt with in that memorandum. It is not merely a question of an officer passing Sandhurst; he has to qualify for the different grades. Let us suppose that he is a Major, and has to pass an examination to qualify him for commanding a regiment. There must be cases where even now you pass over British officers.

Chairman: Every day.

H.H. The Maharaja of Bikaner: Perhaps we can be given figures for the percentage that do not pass, and that will help us in arriving at the figures.

Chairman: Yes, I see.

Sir M. Shafi: Any scheme of Indianisation of the Indian Army must be based on two things. First of all on the number of vacancies that occur every year, and whether all those vacancies, or a part of those vacancies, are to be filled up by the appointment of Indian officers. If a scheme has already been prepared by the military experts of Government, and has been considered more than once and sent back more than once to the Army Department for reconsideration, and has been finally sanctioned by the Government of India on those two bases, such a scheme would be very desirable material for this sub-Committee to have to assist us in arriving at a correct conclusion. It seems to me this sub-Committee ought to get hold of such a scheme if there is one, and I know there is one, and I can tell you now the period that was fixed at that time for the complete Indianisation of the Indian Army. I can tell you that from memory.

Dewan Bahadur Ramachandra Rao: This was long before self-government and Dominion status had been conceded?

Sir M. Shafi: Yes, it has nothing to do with it, and if that scheme had been sanctioned long ago, as we had hoped it would be, the process would have begun.

Mr. Jayakar: With reference to the point that was made by Sir Muhammad Shafi, I support his suggestion, Sir, because even assuming that all the vacancies that arise during the year—namely 95, or whatever the number is—are filled by Indians, it is a mere matter of making an arithmetical calculation to see that it will be 35 years before all the vacancies will be filled by Indians. If, therefore, a scheme has been prepared in the past, when Dominion status was a very distant vista, and if that scheme lays down a period of time less than 35 years, as I suppose it does, that scheme would be a most valuable contribution and help to our discussion. I therefore support the suggestion of Sir Muhammad Shafi. If such a scheme was prepared in the past, and I understand it was, and was considered by the military authorities and by the Government of India—

Sir M. Shafi: It was prepared by the military authorities.

Mr. Jayakar: If I am not asking too much, may I know what the period of that scheme was?

Sir M. Shafi: Twenty-eight years.

Mr. Jayakar: Then that scheme would certainly be of most material help to us, if we could peruse it.

Sir M. Shafi: It provided for one-third of the Army in the next fourteen years, the next third in seven years and the final third in another seven years. That means twenty-eight years altogether.

Sir B. N. Mitra: In the first place, I should like to know what we are doing. Are we discussing the terms of reference, or are we discussing the first item in the terms of reference?

Sir M. Shafi: We are discussing what we should have before us.

Sir B. N. Mitra: That is a point which must be cleared up, because I have something to say about the terms of reference. Are we discussing at the present moment the terms of reference, or the first item in the terms of reference?

Chairman: I indicated not only the terms of reference, but what I thought the terms of reference covered, and I said that if it met the convenience of the sub-Committee we could have a general discussion on that this evening. It is quite true the discussion may have ranged over rather different ground, but it is not a disadvantage to have the whole matter ventilated, because I think ultimately it will help us. If you want to raise any question on the wider aspect I should certainly like you to do so.

Sir B. N. Mitra: The first point to which I should like to refer is the point raised by Sir Akbar Hydari, which unfortunately seems to have been overlooked in the course of the general discussion, namely whether the terms of reference include this specific question of a reduction in the number of British troops in India and their replacement by Indian troops or by militia, or by something of that sort. Do the terms of reference to this sub-Committee include a consideration of the question of the reduction of the British troops in India?

Chairman: You cannot talk of Indianisation without keeping in mind that it presupposes a reduction in British troops. That is obviously a part of it.

Mr. Jinnah: I understood you to say that.

Sir B. N. Mitra: But so far I think it is admitted that Indianisation means the Indianisation of the officer ranks.

Mr. Jayakar: It means both questions, but they must be kept distinct from each other. That is all.

Sir B. N. Mitra: I do not think it is clear if you read the heads of discussion.

Sir M. Shafi: It is item No. 1 in the scheme of Indianisation.

Chairman: I do not think there can be any doubt about it; everyone knows what Indianisation means.

Sir B. N. Mitra: Indianisation includes both these matters—the Indianisation of the officers in the Indian Army and secondly the reduction of the British troops in India.

Mr. Jinnah: I think the Chairman said—am I right, Mr. Chairman?—that we should take this question separately first, and then deal with the other. That is what I understood.

Chairman: That is it; I said so.

Sir B. N. Mitra: That clears up my point, for therefore that will be one of the items.

Chairman: I should like to suggest this. We could go on in a general discussion until your time arrived to leave, and yet get nowhere. It is generally agreed that our terms of reference are limited in the sense that the broad question of the defence of India is not involved in our discussion; we have to deal with the Indianisation of the Army, how it is to be brought about, training and so on. Now, it has been intimated that there are in existence somewhere—whether it be in the India Office or in the War Office does not matter—certain definite schemes that apply to the problem that we are discussing. It is also possible to supply to you other material for a proper consideration of the question. If it will help you, I am prepared to arrange for a little memorandum to be produced that will give you any schemes that will bear upon this matter, and the facts of the situation, and what it is we are trying to accomplish, and the broad outline of the scheme to that end. It is not because this will represent the views of the British Government, but because this material may be of assistance to you in forming a decision. Would you like me to do that? (Cries of "Yes.") Then I will undertake to do it.

Sir P. Sethna: It will help us greatly if we can get the scheme referred to by Sir Muhammad Shafi, because the Skeen Committee was appointed in 1926, and according to the recommendations of that Committee, which are to be found in one of the schedules, half the strength, namely 1,600 officers, would be Indians at the end of 25 years, whereas according to Sir Tej Bahadur Sapru and Sir Muhammad Shafi, a scheme which was prepared under the advice of the military experts five years previously Indianised the whole Army of 3,200 officers within 28 years. I think, therefore, that if that scheme were placed before us, it would help us greatly in arriving at a decision.

Chairman: The object is not necessarily to see something that favours our views, but to have the facts and material which will enable us to arrive at a right conclusion.

Sir P. Sethna: The facts are there, according to these speakers.

Chairman: I do not know anything about it, but whatever the facts are I will get them for you. We want them as material for our guidance. If we can get that out in time I will try and let you have that sometime to-morrow. Would that enable you to meet on Friday? (Cries of "Yes.") There would be no point in meeting to-morrow if you do not get the material till then.

Sir M. Shafi: For Mr. Wedgwood Benn's information, so that he can get that scheme at once, may I mention the fact that the orders issued with regard to the Indianisation first of four units, and ultimately of eight, were orders issued on that scheme. I think that gives him a clear indication of what scheme I mean.

Lieut.-Colonel Gidney: Mr. Chairman, I just wanted to ask you, in preparing that memorandum would you give us facts of this nature: say we accepted 50 years as a limit, for every 5 years what

would be the proportion of British and Indian officers, say at 10, 15 or 20 per cent. recruitment, so that we would know exactly every five years how many Indians and how many British would be in the officer rank.

Chairman: That will be a mathematical calculation.

(The sub-Committee adjourned at 6.43 p.m.)

PROCEEDINGS OF THE SECOND MEETING OF SUB-COMMITTEE No. VII
(DEFENCE) HELD ON 9TH JANUARY 1931.

Chairman: In accordance with promise, I have had circulated to you the papers which give you the various details asked for about rates of wastage and the various schemes with proposals for rates of Indianisation to which reference has been made.

As I pointed out, it is easy to show a mere mathematical rate of complete Indianisation on paper, but as practical men it is a workable scheme that we desire, and not a mere declaration. It may therefore briefly be stated that if all recruitment for British officers is stopped the day that the output from an Indian Sandhurst starts, and if the output from that Sandhurst is calculated to meet the normal wastage, it will then be roughly 35 years before the last British officer is eliminated from the Indian Army; and if, in accordance with the view which some have expressed, it is not desired immediately to stop entire British officer recruitment, then the period will be 35 years after the last British officer has been recruited.

This is based upon a purely mathematical calculation; but, as was said by several speakers on Wednesday, the complete elimination of the British officer—or, if you prefer to put it so, the complete Indianisation of the Indian Army—is not a preliminary necessary in the nature of things to the full attainment of responsible government. As was so well stated by several delegates on Wednesday all the Dominions are at present still dependent on the British Navy to protect them.

The above statement is a mathematical answer to the question you asked. Those of you who are soldiers and who have had experience of war will realise that the entire new creation of an officer class is not merely a mathematical calculation alone. The question of your defence is too vital a one to take chances with, and I feel sure that the more responsible you are for your own government, the more must this aspect of the Army weigh with you. The question to be worked out, therefore, is what is a safe and a wise rate of progress in substituting the Indian officer for the British officer in the Indian Army, and whether it is necessary to eliminate the British officer completely at the earliest period, always assuming that there is a common object in view, namely the protection and defence of India. So far as I am aware, this claim has not been made in the Services sub-Committee, and I should imagine that if

the retention of a British element is necessary in civil occupations, it is far more so in the sphere of defence.

It will be remembered that the Skeen Committee recommended that the original proposals made in your Legislative Assembly, namely that the majority of Commissions should be given to the martial classes in the proportion in which those races provided recruits for the Army, should be dropped, and that recruitment for officers should be spread on a broader basis. That, shortly, was the recommendation of the Skeen Committee. Recruitment for the Army will presumably still continue to be made from those classes which have been found to provide the best soldiers, if we are to make sure that the defence is adequate.

It is therefore not difficult to realise that no mere mathematical calculation can establish that the future officers of your own, selected as recommended by the Skeen Committee, will be efficient leaders of their men. I repeat that it is not merely a question of that kind; it is a practical question which can be answered only in process of time and by the association both in peace and war; and it will be obvious that while this process is going on your defence must not be jeopardised by making an experiment on too large a scale.

If, therefore, this Conference considers that a training college should be established in India at an early date, the British Government at least see no objection. I would urge that it should start on a sound foundation so that it can be developed in the light of time and experience. Therefore, whilst we would all agree that the Indianisation of the Army is a desirable end and something to work for, it is not one which need necessarily precede fully responsible government.

I make that statement because it summarises the general discussion of two days ago. Attention was drawn to the fact that from time to time there have been recommendations on this question. I have already circulated to you the various recommendations made, but there are two things I desire to emphasise this morning. The first is that when you are dealing with the question of the defence of a country it is an entirely different proposition and must be considered in an entirely different light, from what is usually called merely Law and Order. In the second place, whilst it may be possible—and I see no objections or difficulties—for a declaration to be made on the principle of what is called Indianisation, carrying with it a definite recommendation for the establishment of a Sandhurst in India, in saying this I would also draw attention to the fact that that in itself—the establishment of a Sandhurst in India—need not prevent the existing scheme from continuing whereby a number of students attend Sandhurst in this country. On the contrary, I see advantages in that continuing.

Lord Reading: Yes.

Chairman: I do not want it to be assumed that one is necessarily a substitute for the other; on the contrary they can run con-

currently, and indeed I see advantages in that. I have therefore endeavoured, in order to focus discussion, to deal with the broad principles which we are asked to consider this morning. You have the material in the form of the schemes which have been drawn up, but again I repeat that I am not sure that those schemes help us very much. They do give an emphatic indication of what is possible, but at the same time I do not think we should be too riveted to schemes on paper; we should rather apply ourselves to the practical difficulties and practical propositions that we have got to face.

It is with those general observations that I wish to open this meeting of the sub-Committee.

Sir Tej Bahadur Sapru: I am grateful to you, Sir, for the statement which you have just made. So far as the establishment of a Sandhurst in India is concerned, the statement that you have made on behalf of the British Government, that they see no objection to it, will be received with great satisfaction. I will only add one word. I should like it to be put more positively and more emphatically; I should like it to be said that not only do the British Government see no objection to the establishment of a Sandhurst in India, but I would expect the British Government to implement that policy which has just now been declared, by very prompt action.

Chairman: Would you not like it much better to feel that you have helped the British Government to do it?

Sir Tej Bahadur Sapru: I refer to the British Government because, under the scheme which has been adumbrated by the sub-Committee over which Lord Sankey has presided, the Defence of India is a Crown subject, and therefore there will have to be co-operation undoubtedly between the British Government and the contemplated Federal Government. You may take it from us that everyone of us is extremely keen on having a Sandhurst at the earliest possible opportunity, and we are prepared to find the funds for that purpose. I do not think you will have any trouble about it, so keen is the desire for a Sandhurst. As regards the keenest of Indian opinion on the question of a Sandhurst, I would make a personal appeal to Lord Reading; he knows how strong the feeling is with regard to this matter in India.

But, when I talk of an Indian Sandhurst, I must be understood to mean that we want training and education for our lads in every branch of military education—artillery, engineering and so on. Not only that, but I should like Indians to receive training and definite positions in the Air Force of the country.

Chairman: I should like to assure you, so as to shorten the discussion, that when I say "Sandhurst" it is intended to include all the training that takes place in this country. I think it will save discussion if I say that.

Sir Tej Bahadur Sapru: All arms, yes. I further welcome the statement that you have made—and I believe that statement carries

the assent of Lord Reading—that we should have a further avenue opened to us of sending our men to Sandhurst in England. I leave it to the military experts and the Government of India to decide what would be the number of men they would send in future to Sandhurst. These are technical questions outside my scope, and which can be settled later on.

As regards the period, you will find from the Report of which you have supplied us with copies, and which was considered by Lord Reading and by Lord Reading's Government, that the military experts at that time were of the opinion that, without committing themselves to any mathematically precise date, the Indianisation of the Army could be effected in thirty years' time—my recollection was twenty-eight years' time. Now we realise that in a matter of defence, in a matter of that kind, we have got to be very careful. It would be impossible for anyone to fix a precise date by which the Indian Army would be Indianised from top to bottom so far as the officers are concerned; but at the same time we are very anxious that the rate of progress should be very substantial and should be rapid, consistently with the safety of the country and the efficiency of the Army.

I beg of you not to be under the impression that we want in any way or to any degree to imperil the safety of the country or to weaken the strength of the Army.

With regard to the question which has just been raised, as to whether the British element should continue or not, I wish in the first place to point out, as has been said, the report of the Services sub-Committee has yet to be considered by the Conference. I beg of you not to misunderstand me when I say that I do not accept the suggestion there that the recruitment in future of the All-India Services should continue through the Secretary of State. That has nothing to do with the question of the British or Indian element. Whether the recruitment shall continue through the Secretary of State or whether it shall continue through the Governor-General, assisted by an independent Civil Service Commission or Public Services Commission, is a question on which opinions have yet to be expressed.

Lord Reading: That is not a matter for us.

Sir Tej Bahadur Sapru: That has nothing to do with Your Lordship, no.

Chairman: I had already intimated on Wednesday, Lord Reading, that that was not a subject for this Committee.

Sir Tej Bahadur Sapru: Therefore what I say is this. No analogy should be drawn from it so far as the recruitment in the Army is concerned. It is not my intention to say or suggest that the British element should be at once eliminated. It is quite obvious that under any scheme for thirty or thirty-five years the British element will be there and will be sufficiently strong there, but what I want to emphasise really is this, that we must have the objective constantly in view, and that the rate of recruitment of

Indian officers in India, or of their training in Sandhurst in England, should be commensurate with the objective, so that within a reasonable distance of time we may find that the Army in India has been substantially Indianised. I am anxious about that, because that has a bearing on the further development of our constitution. Therefore, while I would not say that the British element should be excluded at once I would certainly emphasise the need for greater speed and a more rapid rate of recruitment in India from Indian material.

That is all that I would say at this stage.

Sir Phiroze Sethna: Mr. Chairman, you were good enough to tell us on Wednesday that we should, as far as possible, confine ourselves to the headings that you enumerated and of which we have received copies subsequently from the Secretariat. I will therefore endeavour to speak on two or three items on which I have to offer remarks. I would, however, like to remind the Committee that if the Simon Commission's report did not find favour in India, that was so for many reasons, but the principal one was in regard to the recommendations they made for the Indianisation of the Army. According to that report, the complete Indianisation was postponed to the Greek Kalends, and a proper paraphrase of the recommendations they made would amount to the British domination continuing for ever so long.

Now, Sir, the reason which they advanced for that recommendation was that there was not enough material in the country for the officers. That, Sir, is an incorrect assumption, incorrect for the reason that the material does exist, but it is because of the policy adopted in the country that men were not admitted for officers' rank and to-day the Indian Army is what you call a fighting Army and not a thinking Army, because the officers were drawn, up till 1918, simply from the British side. This development of having British officers in the Army was intensified after the Mutiny, but it was distinct even before the Mutiny. This is not a statement which I make on my own but I will refer the Committee to . . . "The founders of the native Army had conceived the idea of a force recruited from among the people of the country and commanded for the most part by men of their own race, but of higher social position—men, in a word, of the master class accustomed to exact obedience from their inferiors. But it was the inevitable tendency of our increasing power in India to oust the native functionary from his seat, or to lift him from his saddle, that the white man might fix himself there.

"So it happened, in due course, that the native officers who had exercised real authority in their battalions, who had enjoyed opportunities of personal distinction, who had felt an honourable pride in their position, were pushed aside by an incursion of English gentlemen, who took all substantive power into their hands, and left scarcely more than the shadow of rank to the men who they had supplanted. An English subaltern was appointed to every

company, and the native officer then began to collapse into something little better than name.

"As the degradation of the native officer was thus accomplished, the whole character of the sepoy army was changed. It ceased to be a profession in which men of high position, accustomed to command, might satisfy the aspiration and expand the energies of their lives. Thenceforth, therefore, we dug out the materials of our army from the lower strata of society and the gentry of the land, seeking military service, carried their ambitions beyond the red line of the British Frontier and offered their swords to the Princes of the Native States." That is what an eminent English historian himself says. After the Mutiny, the Peel Commission was set up and made recommendations which formed the basis of reorganisation of the composition of the Indian Army. The recommendations were inspired throughout by a fear of another Mutiny. According to the Peel Commission, the Indian section of the Army should be composed of different nationalities and castes which should, as a general rule, be mixed promiscuously in each regiment; and Europeans alone should, as far as possible, be employed in the scientific branch of the Services.

This was continued up till 1918. In 1918 a difference was made—that is to say, some Commissions were thrown open to Indians; but whilst Indians were excluded from the commissioned ranks there has also been the exclusion of Indians from the scientific branches of the Army, particularly, for example, the artillery. In regard to this, I may be permitted to quote from the evidence given before the Peel Commission by the same authority. Lord Elphinstone, Governor of Bombay, said:

"I agree with those who think that it is not judicious to train any natives of India to the use of guns. They make excellent artillerymen, and they attach great value and importance to guns, but these very circumstances make it dangerous to place them in their hands." (Peel Report—Papers, page 45.)

In this opinion Lord Ellenborough concurred. He said:

"It appears to be the concurrent opinion of all men that we should keep the artillery wholly in our hands.

"The natives have a genius for casting and working guns, and we should not afford them means of enjoying it. . . . The natives die at their guns. Their practice in this war"—namely the Mutiny—"is allowed to have been at least as good as our own."

I have quoted these things in order to show that if the Indians have failed to prove that they make good officers it is because the Indians have not been given a chance to work as officers, and that Indians have also been excluded from the scientific branches of the Army.

Now, Sir, that Indians have proved good officers is witnessed by the fact that the commissioned ranks have been opened to a small

extent to them; but even before then, during the War, when there was a dearth of officers, Indians were made officers, trained not at Sandhurst or Woolwich, but at Indore and Wellington in India; and according to a memorandum received from you this morning, 39 of such officers trained at Indore and Wellington are already in the Army. These men distinguished themselves during the War, and they are also rendering very good services as officers to-day, and that without any education at Sandhurst, which goes to prove that with proper training Indians can make as good officers as the British.

Again, Sir, it has been said at another stage of the (Simon Commission) Report that whereas the most virile of the so-called races provide fine fighting material, other communities and areas in India do not furnish a single man for the regular Army. This is a very sweeping statement to make. Evidently the authors of the Simon Commission Report have forgotten that before the Mutiny the Indian Armies consisted not only of the Punjabis and Sikhs, whose numbers before the Mutiny were limited as compared with what they are to-day, but before the Mutiny the Army was drawn from all classes of people. In this connection I should like to quote what a former Commander-in-Chief of the Bombay Army had said in regard to the Mahrattas. This was General Warre. He observed, 25 years after the Mutiny, as follows:

"History has proved that the whole of the western coast is a military country producing a war-like population. The southern Mahrattas have proved themselves in former days and are still equal to any other race in India as a fighting people. Their power has been broken and their military ardour quenched by almost total disarmament, but they are still a hardy people, in a mountainous district, inured to toil, and especially good in tracing their steps over the rough and impracticable ghats. What more can you require to make soldiers?"

I turn to the Madras soldiers. Another Commander-in-Chief, Sir Frederick Haines, has said: "I cannot admit for one moment that anything has occurred to disclose the fact that the Madras sepoy is inferior as a fighting man. The facts of history warrant us in assuming the contrary. In drill, training and discipline the Madras sepoy is inferior to none, while in point of health, as exhibited by returns, he compares favourably with his neighbours."

We have heard it argued sometimes that people coming from the north are more martial and more war-like. May I ask whether for a moment the English would admit that because the Scots come from a more northern climate than the English therefore they are better fighting men than the English?

Sir Phiroze Sethna: What I wanted to point out was that it is wrong to assume that people from other parts of India cannot make good soldiers. I have not the names of the military officers who

have said that during the last Great War the Mahrattas proved as good as and better than any other Indian soldiers.

Now, the demand from the Indians for higher ranks has been persistent, and because of that demand, and also because of what success the Indian soldiers and officers achieved during the War, commissioned ranks were opened to the extent of five every six months, by admitting that number to Sandhurst. Thereafter there was framed what is known as the eight unit system. That scheme was nothing more than a mere sop thrown out to the Indians. Those who were able to foresee did predict that the Indian system was not at all satisfactory, and that it was purely racial. Of course, the then Commander-in-Chief, Lord Rawlinson, announced it with a flourish of trumpets, but it was not then known what his own ideas were on the subject, and those were brought to light by his biographer.

Col. Haksar: Sir Frederick Maurice.

Sir Phiroze Sethna: Yes, Sir Frederick Maurice, who quotes Lord Rawlinson's words as follows: "People here are frightened of this talk of Indianisation of all officers so that they won't send their sons out to serve under natives. I agree to the new system being allowed to take its course, but it will want very careful watching and cannot be hurried. The only way to begin is to have certain regiments with Indian officers only."

Chairman: I am sorry to intervene, but might I ask, does this kind of thing help us after my declaration? I just want to point out this, so to speak, for discussion. That kind of historical discussion cuts no ice. I wrote a book called "Labour Rules", but it is no good my looking there to find the answer to the problem of unemployment, because it is not there; and you have had my statement of the general attitude of the Government, and if we apply ourselves to that principle I think we shall do well.

Sir Phiroze Sethna: Very well, Sir, I will make no more references than those I have already quoted.

Now I return to the Skeen Committee. The Skeen Committee was appointed in 1925, but, as was brought to light on Wednesday last, it appears that the Government of India of their own accord had appointed a Committee of Military Experts in 1922 to enquire within what period the officer ranks of the Indian Army could be completely Indianised. You have sent us a memorandum of that scheme, Sir, according to which in 30 years all the officers may be Indians. That scheme, I am sorry to say, was never laid before the Indian Skeen Committee, nor was any reference made to it either before the Skeen Committee or in the Central Legislature by any officer of Government. It would appear from what has been brought to light that the Government of India were in favour of such a scheme, but it was perhaps Whitehall that turned it down and substituted the eight unit scheme. The Skeen Committee has condemned the eight unit scheme altogether, and that because of the evidence before it not only by every Indian officer but also by the Commanding Officers of the regiments which belonged to these eight

Indian units. It was condemned wholesale, and yet it is not only supported by the Simon Commission's Report but it is further supported by the Government of India Despatch, who say that if necessary the number of these units might by degrees be increased to 25. The Skeen Committee's Report was issued in March 1926. The Government of India did not carry out all the recommendations, but in 1928 they did meet us to some little extent. The most important recommendation was, of course, the establishment of an Indian Sandhurst. That was entirely turned down, at any rate for the time being, and that is the question which we are most anxious to revive, and we are glad to hear from you that the Government are quite prepared, not only to open an Indian Sandhurst but also an Indian Woolwich and an Indian Cranwell if necessary.

I now come to the question of the strength of the British and Indian Armies. At the present moment there are 56,327 British troops, 131,190 Indian troops, and about 34,000 reservists. Sir, the purposes of the Army in India were stated by the Eaton Commission appointed in 1879 to be: "To prevent and repel foreign aggression; to prevent army rebellion within British India and to watch and overawe the armies of the feudatory native States." Those are the words of the Commission's Report.

Of course now there will be no question of overawing the Armies of the Feudatory States.

H. H. Maharaja of Bikaner: Not the Feudatory States, the Indian States.

Sir P. Sethna: I am sorry. According to the military estimates of 1928-1929, the ratio of British to Indian troops is 1 to 2.26, but in the covering forces—

Chairman: Stop; I can now see where you are going out of order. I want to keep it quite clear that the general defence of India is not a subject for this Committee. As you know quite well that is a matter for the other Committee, and therefore no purpose would be served by discussing it here.

Sir P. Sethna: Very well; but I think in answer to Sir Akbar Hydari as to whether Indianisation also meant the replacement of British troops by Indians you said that question would come within our province. Am I right in assuming that?

Lord Reading: Surely that would not be a question for this Committee, would it? The Indianisation which we are talking of is Indianisation by means of Indian officers being substituted for British. That is what we have always understood. You are not speaking of substituting Indian Regiments for British Regiments, are you?

Sir P. Sethna: I do not think Lord Reading was present when this point was taken up. I think I raised it.

Chairman: You raised it, but I did not interpret it in that way.

Lord Reading: I was not present at the last part of the previous meeting.

Sir P. Sethna: I understood you, Mr. Chairman, to say that it embraced that point also, namely, that Indianisation meant both introducing Indian officers in place of British officers and also replacing British troops by Indian troops. I will take your ruling.

Mr. Jinnah: I should like to take your ruling, Mr. Chairman. I have not a copy of your ruling. I do not know why the full proceedings have not been sent to us, but I expressly stated that the question of the reduction of British troops would have to be considered.

Chairman: That is so.

Mr. Jinnah: And you said "Yes, but we will discuss that separately from the question of Indianisation". I think, if I may refer to the record, that that was your express ruling.

Lord Reading: I was not present then.

I should like to raise this point with regard to what I understood Mr. Jinnah to say just now. I understand a question was raised towards the end of the last day's proceedings and that it was decided that, although this question of substituting Indian Regiments for British Regiments did not arise on this first question of Indianisation which you, Sir, had put to us, that it would arise, nevertheless, within the purview of this Committee.

Lord Peel: What I wish to say arises out of what Mr. Jinnah said. I thought what he said was susceptible of two meanings. Mr. Jinnah talked about the reduction of British troops, and I do not know whether he wishes to raise this question, which is quite a different one, with which we are so familiar, the case, or the charge if you like, that the Army is too large in India. I thought what he meant to say was that he wanted to raise and discuss the question of whether there should be reductions in the Army, irrespective at the moment of whether it is Indian or British, on the question of Imperial troops, and so on, being kept in India. I thought he meant to raise that matter, but I may be wrong.

Mr. Jinnah: Let me make it quite clear to this Committee what I do mean. When you are talking of Indianisation it is not merely a question of Indianising the officer ranks. That is one part of it.

Lord Peel: Yes.

Mr. Jinnah: When you talk of the Indian Army the entire Army is the Indian Army strictly speaking, namely, the British troops and Indian troops. They are the British Army, strictly speaking. They are British troops; they are His Majesty's Forces. They are not really the Indian Army in the sense that one would understand it if it was under the Indian Government. They are His Majesty's Forces stationed in India composed of British and Indian troops, but for certain purposes they are kept separate. When you talk of the Indian Army there is no such thing as the Indian Army strictly speaking or constitutionally speaking. Then for the purpose of convenience we have been using the term "Indian Army proper", and that is always understood to mean that it is

composed of Indian sepoy and the officer ranks which command that portion of the Army. When we have been talking of Indianisation it does not mean merely that we Indianise the officer ranks in that section of the Army. If you are going to Indianise the Army, supposing we go on Indianising the officer ranks—

Chairman: Might I say that the important point is the answer to Lord Reading's question. The whole thing turns on what I said on this question, and I think we had better have that settled first, Lord Reading, because it is far more important if you do not mind. I am quoting from the shorthand note of the previous meeting. Mr. Jinnah said, "Those entitled to the rank of officer number about 3,000 in the Indian Army proper, and the other is about the same number practically, or a little less. Now, when we talk of Indianisation it is a very vague phrase. You see there is a misunderstanding at once. One party understands merely the Indianisation of the officers of the Indian Army proper. Then what is to happen to the other part of the Army? I should like your ruling on this, Mr. Chairman. Is the whole scheme to be discussed; first of all, the Indianisation of the officer ranks in the Indian Army proper and the replacement of British troops, because as long as that is done we cannot increase the Indian troops? Therefore it is part and parcel of the whole issue."

Then there was an intervention, and then Mr. Jinnah said, "If you like you can take them separately". Then I said, "But you must; they are two distinct questions. I understood Sir B. N. Mitra's reference to Indianisation when he raised it was the Indianisation of the Indian Army". Then Sir B. N. Mitra said, "Exactly". Then I said, "I understood that and I applied myself to that. That obviously answers your question."

But you will remember that I read out the terms of reference which were very clear and distinct, to consider questions of political principle relating to defence other than strictly constitutional aspects to be considered under headings so and so.

Mr. Jinnah: Yes, but you will remember that I asked you, Mr. Chairman, with regard to the question as to the relations with the Crown, I asked whether that was to be discussed.

Sir B. N. Mitra: Might I draw your attention to exactly what was said. I said: "The first point to which I should like to refer is the point raised by Sir Akbar Hydari, which unfortunately seems to have been overlooked in the course of the general discussion, namely, as to whether the terms of reference include this specific question of a reduction in the number of British troops in India and their replacement by Indian troops or by militia, or by something of that sort. Do the terms of reference to this sub-Committee include a consideration of the question of the reduction of the British troops in India?"

Chairman: That is so.

Mr. Jinnah: And, further if you look at the Minutes—

Chairman: That is quite clear.

Mr. Jinnah: Yes, but I want your ruling further. Unfortunately these Minutes have not been sent to us and therefore I cannot put my finger on it at once, but I am absolutely certain that you did give that ruling, and that was with regard to the relationship with the Crown which it was said would be discussed somewhere. I asked you by which committee it would be discussed, and you said that that matter would also be discussed here. Therefore the only question which is precluded from the function of this Committee is the constitutional aspect of defence.

Chairman: Then that statement was followed by Sir B. N. Mitra, who said: "But so far I think it is admitted that Indianisation means the Indianisation of the officers' ranks."

Lord Reading: Yes.

Chairman: Then Mr. Jayakar said: "It means both questions, but they must be kept distinct from each other. That is all."

Lord Reading: That is right.

Chairman: So that that is quite clear; they must be kept distinct.

Dr. Moonje: Both must be considered here.

Lord Reading: I am asking for information in order that we may see where we are, and in order to get some notion of the duration of the proceedings because if we are to go into the other question of the reduction of British troops in the way in which it was put by Lord Peel, and in the way I suggested, by the substitution of Indian troops for British troops, surely we cannot decide that. I should have thought that was a matter which had to be discussed by the Military Committee.

Chairman: I have already intimated—you were present, Lord Reading, but Lord Peel was not—that in my opening speech, and I drew attention to the fact with that specific object this morning, that it would be impossible for that to be done by his Committee with the best will in the world. It is not competent, first, to determine a technical question of that kind; but I did say that the maximum which I thought could be done by this Committee would be to express its views on the general principle, the principle being, first, as I said, the Indianisation of the Army in India; and, secondly, the logical conclusion that that would carry with it; and I expressed on behalf of the Government concurrence in the establishment of a Sandhurst in India, and beyond that that training should continue in the Sandhurst here. Do let us be practical. If you wish to go outside that, of what value would any recommendation be, because you are dealing, as I said earlier on, with the defence of India, and the defence of India must be a matter to be carefully considered by experts so that a proper scheme can be worked out. I understand that forty copies of my opening statement will be circulated. In order to save time those copies will be distributed but we need not interrupt the discussion.

Mr. Jayakar: I take it your ruling stands, Mr. Chairman, that the question of the replacement of British troops by Indian troops

is within the purview of this Committee; but as practical men we all realise that the final details cannot be discussed and finally settled by this Committee. That is a matter of practical expediency to which we are all alive. I take it that your ruling stands that even that question is within the competence of this Committee. That is the position.

Chairman : Obviously a Chairman of a Committee of this kind dealing with a technical matter like defence has to take the advice of experts who are mainly responsible, and if in discussing the whole matter in detail we come to the conclusion that both the subjects mentioned by you were by the very nature of things interwoven, that they were bound to be interwoven, but that it was not a matter for this Committee to go into detail—

Dr. Moonje : Quite right.

Sir P. Sethna : No. Now that you have ruled I need not go into details, but I am sure that every Indian present would prefer that in process of time the British Army might be substituted by Indian troops. The British Army is maintained for different purposes. One principal purpose is for internal security and for doing police work, as it were. The percentage of the covering force and the field force of Indian troops as compared with British is larger. So far as internal security is concerned for every single soldier there are 1.24 British soldiers. I wanted to bring out this point in order to show that it is quite possible to reduce the number of British troops, because although India has a population of 300,000,000, and although we have communal and other riots, the casualties in a year in that country are far less than the number of casualties in Great Britain, which has a population of one-seventh of that of India, from motor car accidents. Therefore I say the British Army can be reduced. My point is that it might be reduced to begin with even by 10,000 men. The cost of an English soldier is four times that of an Indian soldier, and that difference in cost will amply cover the cost of an Indian Sandhurst. That is the reason why I wanted to bring out this point.

So far as the question of finance is concerned, India must certainly bear the cost of its Army. It is, of course, true that the cost of the Army has risen very considerably. In 1910-11 it was only 29 crores, but it jumped to a maximum of 81½ crores in 1920-21, and after the recommendations of the Inchcape Committee it came down to 55 crores, and it is about 52 crores at the present time.

Lord Reading : I think the 81 crores included the Afghan War, did it not, and the expeditions into Waziristan?

Sir P. Sethna : If we deduct the cost of the Afghan War the result would be more than 55 crores.

Lord Reading : Yes.

Sir P. Sethna : What I want to point out is that in this Army expenditure is one item of £2 millions paid for capitation charges. India is paying that because statutorily its revenues to-day are under the Secretary of State for India, and the Government of

India have little say in the matter. If the Government of India had self-government, surely they would dispute the payment of this. They have in fact been disputing it for more than twenty years, and no machinery has been found so far to decide whether that charge is correctly levied or otherwise. If we had control of our finances we should certainly dispute the payment of this capitation charge.

Lord Reading: Sir Phiroze, will you tell me this for information, because I do not know. I thought I heard it stated yesterday,—I think it was by Sir B. N. Mitra—that a Committee had been appointed to determine this very old and vexed question about the capitation grant.

Sir Tej Bahadur Sapru: That was stated in the sub-Committee over which Lord Sankey presided about a week ago, but when I was speaking Sir Bhupendra Nath intervened and said that as a matter of fact that question was under consideration.

Lord Reading: I thought it had been settled.

Sir Tej Bahadur Sapru: No, it was under consideration.

Chairman: I think I can go beyond that, because in looking up the details for this sub-Committee when I came to this very question I found that a Committee was appointed for that purpose.

Lord Reading: That is what I thought.

Lord Peel: I hope, Mr. Chairman, we are not going into this question of the capitation grant. It is one of the most complicated, difficult and intricate questions with which I have ever had to deal.

Mr. Jayakar: It is a question of finance which is not the concern of this sub-Committee at all.

Lord Peel: If we are going to go into that I shall require to look up the details. It is a very complicated question and would take a long time to discuss.

Sir Tej Bahadur Sapru: It will be for the Government of India of the future, as of the present, to discuss.

Chairman: I do not know what purpose is served by discussing this now, because this sub-Committee clearly could not deal with it; it comes into the wider and bigger question entirely, and instead of the discussion on it being of help to us I think it may do harm.

Sir P. Sethna: I want to point out that it is the Secretary of State who decides this point at present; although the matter may be referred to a Committee, payment is made, which would not be done, if India had Dominion Status. That is all I want to point out.

Now, Sir, the Skeen Committee made out that in the course of 25 years by its recommendations half the number of officers of the Indian Army would be Indians, but the report of the Skeen Committee is now out of date; with the present ideas in India, we cannot accept that. We would sooner accept the report which has been brought to light by Sir Tej Bahadur Sapru and Sir

Muhammad Shafi, and which they referred to last Wednesday, according to which all the officers in 30 years time would be Indians. That certainly would find favour with Indian opinion.

Now, Sir, you have enquired from the Chair whether we would like recruiting for the officer ranks to be purely Indian in future, or whether some proportion of British officers should still be recruited.

Chairman: Let me correct you there. I did not enquire whether you wanted that; I gave you a broad statement of what Indianisation would mean in a period of time in the first place if all recruitment was Indian and in the second place if a proportion of it was British; but I made no such enquiry as that to which you refer.

Sir P. Sethna: If Britishers are also recruited, it will not be possible to have all the officers Indians within 30 years, but there will not be any necessity for recruiting British officers, because the subalterns who are to-day taken into the Army will take 26 years to become Colonels, so that even if there is no British recruitment from now onwards we shall have British officers in the Indian Army for at least another 26 years.

With regard to obtaining sufficient men, if the recommendations of the Skeen Committee are carried out as to the means to be employed for getting proper material, then I am sure the men will be forthcoming. As the Despatch of the Government of India points out, in 1929, there were more candidates than were required and in 1930 the number was just equal. If proper facilities are given the men will certainly be forthcoming, and therefore I trust that the Government will take steps whereby the ranks of commissioned officers will be filled by Indians as soon as possible.

Dr. Moonje: Having heard all these arguments, I think the practical course would be to take into consideration the scheme information about which was given to us by Sir Muhammad Shafi and Sir Tej Bahadur Sapru on Wednesday, and to put it into practice. I therefore suggest the following formula for adoption by this sub-Committee:—

“All recruitment to the commissioned ranks of the Army, Navy and Air Force be made in India from amongst the Indians, provided that it shall be open to the Government to provide for recruitment in England to fill up such of the vacancies as cannot be filled up in India.”

“If a decision of that kind could be arrived at I think the question of the Indianisation of the officer ranks of the Indian Army could be easily settled within the scheme referred to by Sir Tej Bahadur Sapru and by Sir Muhammad Shafi.

Chairman: I will read this proposal again, so that you may have it before you:

“All recruitment to the commissioned ranks of the Army, Navy and Air Force be made in India from amongst the

Indians, provided that it shall be open to the Government to provide for recruitment in England to fill up such of the vacancies as cannot be filled up in India."

That is a general declaration which Dr. Moonje submits for discussion.

Lord Reading: Are we to do that independently of the Commander-in-Chief?

Chairman: We might discuss that.

Sir M. Shafi: Mr. Chairman, so far as I can see only two questions are now before this sub-Committee. One question which was ancillary to the first of these two questions has already been settled, I understand, by the declaration which you, Mr. Chairman, made this morning; that is to say, the establishment of an Indian Sandhurst. We need not discuss that question any further.

Lord Peel: Why not?

Sir M. Shafi: I mean the principle need not be discussed any further, because I understood the Government had made a declaration that an Indian Sandhurst should be created.

Diwan Bahadur Ramachandra Rao: For all arms.

Sir M. Shafi: Certainly, an Indian Sandhurst for all arms.

Lord Peel: I did not know that proposal had been agreed to; I have had no opportunity of saying anything about it.

Chairman: I gather he does not mean that it cannot be discussed; I gather he means he does not want to discuss it himself.

Sir M. Shafi: Exactly. So far as I am concerned, the question of the establishment of an Indian Sandhurst in India is practically concluded as a result of the declaration which has been made.

Chairman: That is, if it is acceptable to the sub-Committee.

Sir M. Shafi: Yes, quite. So far as the first of the two questions that are before us is concerned, namely the Indianisation of the officer ranks of the Indian Army, it is now clear that a scheme was framed, after very careful consideration, by the Army Department of the Government of India during the period when Lord Rawlinson was Commander-in-Chief, and was approved of unanimously by the Government of India and was submitted to the Secretary of State. That scheme resulted in the end in what is known as the Eight Units scheme. Why the scheme then prepared was not placed before the Skeen Committee I for one cannot understand, but that scheme is now before this sub-Committee, and, so far as my friend Sir Tej Bahadur Sapru and I are concerned, we stand by that scheme. So far as the recommendations of the Skeen Committee are concerned—that is to say, that one half of the officer ranks of the Indian Army be Indianised within a period of 25 years—we are not prepared to accept it.

Sir Tej Bahadur Sapru: That is out of date now.

Sir Mr. Shafi: Entirely out of date.

H.H. The Maharaja of Bikaner: To what are you referring?

Sir Tej Bahadur Sapru: To the recommendations of the Skeen Committee.

Sir M. Shafi: Something like eight years has passed since the scheme adopted by the Government of India and sent up to the Secretary of State was produced, in 1922. If the scheme had been sanctioned at that time, by now the Indianisation of the officer ranks of the Indian Army would extend to one-sixth, for, putting aside one year, in seven years according to that scheme one-sixth of the officer ranks of the Indian Army would be Indianised, which means that by this time a great deal would have been accomplished. Nevertheless, even to-day Sir Tej Bahadur Sapru and I are ready to accept that scheme as coming into operation from January 1st, 1932; that is to say, from the commencement of next year.

Sir Tej Bahadur Sapru: I entirely associate myself with Sir Muhammad Shafi.

Sir M. Shafi: And we think this sub-Committee should now adopt that scheme.

Dr. Moonje: Quite right.

Sir M. Shafi: And should pass a resolution in favour of that scheme coming into operation as from January 1st, 1932.

Now, the second question which arises in this connection is the gradual elimination of what is known as the British garrison in India; that is to say, the British Army. As has been pointed out by my friend Sir P. Sethna, if a beginning were to be made towards the reduction of that section of our Army in India and the substitution of Indian troops, there would be a considerable economy in the military expenditure of India. As has been pointed out by Sir P. Sethna, the cost of a British soldier in India—the expenditure on a British soldier in India—is equal to the expenditure on from four to five Indians.

Dr. Moonje: Five.

Sir M. Shafi: It is between four and five, to the best of my recollection. The result of such a partial reduction would be an immediate saving in expenditure.

Sir P. Sethna: Forty lakhs.

Sir M. Shafi: That could be utilised towards the cost of an Indian Sandhurst.

There is also in this connection another report to which I wish to invite the attention of the sub-Committee. As I mentioned the other day, the Government of India appointed a Committee, presided over by Lord Rawlinson, of which both my friend Sir Tej Bahadur Sapru and myself were members, known as the Military Requirements Committee. The report of that Committee, made after a very careful examination of the whole problem, is also of the utmost value in considering the two questions which are now before this sub-Committee.

Dr. Moonje: Did that Committee suggest a reduction of British troops?

Sir M. Shafi: Yes, and in fact to the best of my recollection some reduction was actually made as a result of the recommendation of that Committee.

Lord Reading: My recollection of it was that it was 10,000 troops.

Sir M. Shafi: I only say that to the best of my recollection some reduction was made.

Sir Tej Bahadur Sapru: That is the case.

Sir M. Shafi: My recollection is very distinct, but some reduction of British troops was made as a result of the recommendations of that Committee. I think that that report would also be of the utmost value in regard to this question, and I think it ought to be before this sub-Committee.

I do not think I need take up the time of the sub-Committee any further. It seems to me that the reforms to which we have invited the attention of the sub-Committee are urgent, and there is a consensus of opinion in India—in so far as Indian political circles are concerned—that immediate steps should be taken towards the two goals which I have just indicated.

Lord Reading: I am speaking from memory and I am not at all sure about this, because a good deal has happened since then, but my recollection of the result is that during a period of a year or two years, or something of that kind, there was a reduction of something like 10,000 British troops altogether. That occurred during my time, and it was accepted at that time as a fulfilment of the recommendations made by that Committee. There may, of course, have been changes since, but that was what happened about it.

Sir M. Shafi: I quite agree; that is my recollection.

Sir Tej Bahadur Sapru: That is my recollection also. The question was gone into at great length.

Lord Reading: Yes.

Mr. Jayakar: Do I understand there has been a scheme prepared by the Government of India, with the assistance of the military authorities, for the purpose of gradually replacing British troops by Indian troops?

Sir Tej Bahadur Sapru: That is right.

Sir M. Shafi: That is the case.

Mr. Jayakar: If that is so I submit, Mr. Chairman, that just as you were good enough to give us information about schemes for Indianising the officer ranks of the Indian Army so we ought to have the benefit of this scheme too.

Chairman: I think I had better intervene at this stage, because I am afraid we shall get at cross purposes. Any information which has been mentioned you shall have, if it is available. But

do let me remind you of this. If a Government—any Government, British or other—is responsible for the defence of a country, surely a committee of this kind, no matter how we are composed, cannot for one moment say “This is the measure,” “This is the limitation,” or “This is the maximum.” When we are dealing with defence, I put it to you it is not a matter which you can determine; it is a matter on which those responsible for that defence must, with their advisers, be the sole judge.

Sir M. Shafi: Quite right.

Chairman: As long as that is accepted we can go on with the discussion.

Mr. Jayakar: I do not dispute that principle; all I ask is that as one piece of material before this sub-Committee to help us in our consideration of the question we ought to have the benefit of that scheme. It will not be more than one of the materials before us; that is as far as I go at the present moment.

Chairman: Certainly, as I said, if I can get it; but even then I want to warn you against this. I do not know anything about the scheme you are discussing, so I am speaking without prejudice, but whatever that scheme may have contained then, the circumstances and changes that have been brought about or contemplated by this Conference must be factors that will ultimately determine it, and determine it on its present position and not on what it was then.

Sir Mirza Ismail: I cordially welcome the announcement made by you, Sir, this morning, that the Government have no objection to the establishment of a military training college in India. It only remains now to give effect to that decision, and I share the hope expressed by Sir Tej Bahadur Sapru that prompt action will be taken and that India will have the satisfaction of having a Sandhurst of its own, where training in all branches of the Army—infantry, artillery, cavalry and air force—will be given.

As regards the replacement of British officers by Indians trained in India or in England, I think that complete elimination of the British element in the Army is not desirable, even if practicable. If the British element is considered necessary and desirable for various reasons in what are called security services, it appears to me to be doubly so in the case of the Army. I should fix a given percentage of Indian officers to begin with, that percentage being increased in the light of experience. As regards the substitution of British units by Indian units, this Committee can only express its approval of the general principle that this should be effected in course of time. How that is to be done, and in what period that process should be completed, are matters that can only be settled as far as it is possible to settle them by a special committee appointed for that purpose. The fixing of the number of the Indian officers for appointment in the various branches of the Army, and the increase of that number according to a time-table, may also be left to be determined by that com-

mittee. It seems to me to be quite impossible for this committee to settle such details here.

Lord Reading: Hear, hear.

Sir Akbar Hydari: Sir, I want also to support, in the main, what Sir Mirza Ismail has said, and I want to add one more point, as to why it will be impossible entirely to eliminate the British element from either the Indian troops or from the whole Army in India, and that is the discharge of its Treaty obligation by the Crown. If the details of those Treaties are looked into with the several States, it will be observed as to where and why and for what reasons a particular element must be British. It is therefore quite necessary that this subject should be left, as regards details and even with regard to even more general principles—certain details which may be involved in general principles—only to a Committee on which all the interests are represented.

Mr. Jinnah: I would apply my observations to the terms of reference before us in the light of the rulings you have given, Sir. Now the first proposition that I want to place before the Committee is this, that we have got now to give our expression of opinion, as far as there is an agreement in this Committee, either unanimous or such agreement that we can get, and the first proposition on which we have to express our opinion is the question of political principles relating to defence.

Now, what is the political principle on which we have to express our opinion with regard to defence? As I understand it, the political principle is that India should be in a position to take over the defence of India as soon as possible. That, I understand, is the political principle. Within what period, by what methods, is a different question, but that is the principle which we have got to bear in mind—that India must, as soon as possible take over the defence. Now, for that purpose we have to consider what scheme shall be adopted to realise that goal. Proposition number 2: that during the transitional period (which is called the strictly constitutional aspect) who should be the authority? That has got to be decided by the Federal Committee. The question of the strictly constitutional aspect of defence during the transition period is really within the purview of the Federal Committee.

Then we have a third proposition, and that is its relation to the Crown, and I put that question to you, Sir. If you look at the minutes, you will find that I said, "Then there is the question of the relations with the Crown. When will that come up?" And you were good enough, Sir to say: "Again I do not dogmatise, but I have thought of it, and I have come to the conclusion in my own mind that they cannot be separated. For instance, when there is a talk of Dominion status you must keep it in mind that there is a form of commission that is essentially a Dominion commission as distinct from the King's Commission. I never disguised from the Imperial Conference that I hated the separation but it is for you to say. Therefore it is involved in the question of a unified system, so that I think for all practi-

cal purposes they should be discussed together. It may be that you would make separate recommendations, and it may be that in a general discussion they may be discussed together."

Therefore that question is also before this Committee, and the question of the reduction of British troops. I do not say for a moment that we are going to sit down here and lay down a definite scheme as to how the number of British troops should be reduced, to what extent it should be reduced, within what period it should be reduced: those are matters of detail which will have to be considered by some other competent authority, but this Committee must express its opinion on principle that as you go on with the Indianisation the British troops must gradually be reduced. That is the principle on which I would ask this Committee to express their own opinion definitely.

Now, having stated these fundamental propositions that are within the purview of the terms of reference of this Committee, let me take up first of all the question of the Indianisation of the officer ranks of what is called the Indian Army proper. Now, Sir, there is a great deal of misunderstanding, if I may say so. I may tell you, and I can tell this Committee straight away, that the Sandhurst Committee Report is a back number. I have no hesitation in saying that to this Committee: it is a back number. It is very unfortunate that the Government of India did not at once accept it wholeheartedly, and try their best in the meantime to give effect to it. But that is a different question. I grant at once that the Sandhurst Committee Report is a back number, but I want the members of this Committee please to read the Sandhurst Report more carefully than it seems some of them had done when they made these observations. I would like you, Sir, to refer to paragraph 1, page 24. Now, the Sandhurst Committee

Lord Peel: You mean the Skeen Committee.

Mr. Jinnah: Yes, it is the same thing. In that Report I want to dispel the impression that is created that only half a cadre was to be Indianised within 25 years. That is not quite correct, and if you will read that paragraph carefully this is what is said in Paragraph 21, page 24, the second paragraph on page 24, and I want specially to draw the attention of the members of this Committee to that paragraph: "By 1944 the senior of the Indian King's Commissioned officers now in the Army will have completed 26 years' service and will therefore be due to be considered for the command of regiments. This is the crucial test, and because of this it has been suggested (in the scheme described in Appendix II) that the number of Indians commissioned should not reach 50 per cent. until this stage is passed." Now, that was the opinion that was expressed by some members. "Our colleagues, the Honourable Sir Phiroze Sethna, Mr. M. A. Jinnah, Diwan Bahadur Ramachandra Rao, Major Zorawar Singh and Major Bala Sahib Daffe, while agreeing to the principles upon which the suggested scheme of Indianisation is founded, consider that the

culminating point of the scheme, that is to say, the Indianisation of 50 per cent. of the cadre of officers in the Indian Army, should be reached at an earlier stage, viz., after 15 years."— I am going to read the whole of it, if you will please allow me, because, with very great respect I am going to explain to you with the utmost patience, and I am not in the habit of losing my patience. If you will only have patience, I know perfectly well what I am saying. I say, therefore, that some of us did not give our assent to 25 years, and now I will read on: "—in the case of Mr. Jinnah, Diwan Bahadur Ramachandra Rao and Major Zorawar Singh and after 20 years in the case of the Honourable Sir Phiroze Sethna and Major Bala Sahib Daffe, and that the intermediate stages subsequent to the establishment of the Indian Sandhurst should be correspondingly accelerated." Therefore our position—the position of some of us—was that after the establishment of an Indian Sandhurst the period should be accelerated to 15 years; at least, that was my position. Then this is the unanimous conclusion we came to: "It is, however, unanimously agreed that, whether the slower or the more rapid rate of progression is ultimately adopted, the scheme actually in operation should be reviewed in 1938, that is to say, 5 years after the inauguration of the Indian Sandhurst, with a view to considering whether the success achieved is not sufficiently solid to warrant a further acceleration at the rate of progress." Therefore the unanimous recommendation is this, that after 10 years the scheme should be reviewed, and we were not committed to a period of 25 years. Therefore it is absolutely wrong to say that the Sken Committee was unanimously committed to a 25 years period.

Sir Tej Bahadur Sapru: That is not what I said. You are imputing to me a wrong interpretation of the recommendation of the Committee.

Mr. Jinnah: Sir Tej does not appreciate the point yet. What I am saying is this, that it is generally taken by everybody that half the cadre was to be obtained within 25 years without any exception. That is not the position. The position is this, that we give the table, but the table was subject to being accelerated after examination, five years after the Sandhurst was established. Therefore our view was—at least, it was the view of some of us—that it ought to be done within 15 years.

Mr. Jayakar: Half the number.

Mr. Jinnah: Half the number, I agree. I only wanted to clear away that impression—that in no circumstances could it be accelerated—that is all.

Chairman: I am sorry to interrupt you, Mr. Jinnah. What I am trying to get is, what contribution does any of this kind of argument make to this simple practical point? If you agree, as everyone agrees, to the phrase "the Indianisation of the Army", which boiled down means the substitution of Indians for the British,

the factors that govern that are not factors that can be merely set down on paper alone by anybody, not even military authorities. You have the practical application of the number of students, how the machine works, the proportion that turns out fit. For instance, I had a simple illustration, which I will give you. There have been 134 Indians admitted to Sandhurst. 69 are now serving, and for numerous reasons that I need not go into some of the others have dropped by the way, if I may use that phrase; and therefore the point that is bothering me is, what do we gain here by saying that in 25 or 15 or 30 or 40 years this complete thing will happen when there may be a hundred and one factors that cannot be calculated here that may upset the whole scheme on paper? Are we not compelled in the end, as practical people, to say "If we agree to this principle, let us at the earliest possible moment set about the necessary steps to give effect to it"? I do appeal to the Committee, that is how the position appeals to me.

Mr. Jinnah: Sir, what do you suggest?

Chairman: I suggest that if we agree to the principle that we have already indicated—

Mr. Jinnah: What is that principle?

Chairman: The principle is the Indianisation of the Indian Army.

Mr. Jinnah: We have agreed to that for the last quarter of a century.

Chairman: So you have to many other resolutions, which you still move.

Mr. Jinnah: I say I agree to that.

Chairman: So you have to many other resolutions which you still move to-day, and will continue to move, like me.

Mr. Jinnah: Let me understand you perfectly well. I do not wish to take up one single moment of this Committee's time unnecessarily. Let me understand. We are all agreed to the principle of Indianisation.

Chairman: Then shall I summarise what I suggest?

Mr. Jinnah: No, Sir; one by one, because I want to be very definite. My mind is a legal mind. We are agreed to the principle of Indianisation. What next?

Chairman: The next is that we should follow it up by a recommendation that to give effect to this there should be established a Sandhurst in India.

Mr. Jinnah: Agreed.

Chairman: Very well; the Sandhurst in India shall be no barrier and shall not interfere with the present arrangements for students coming to our Sandhurst.

Mr. Jinnah: Agreed.

Chairman: Very well. Then follow it up; we urge as a Committee that the necessary steps shall be taken to give effect to the establishment of a Sandhurst in India.

Mr. Jinnah: Agreed.

Chairman: Very well. If that is so what purpose do we serve by arguing as to what will be the period of training, and so on, in Sandhurst? The experts must work that out.

Mr. Jinnah: We are agreed in principle with the question that the Army should be Indianised. The principle of that has been agreed for a quarter of a century. As to Sandhurst, there was no agreement between the Government and us because the Government have not yet decided whether to establish a Sandhurst or not. If this Committee is going to recommend that a Sandhurst should be established as soon as possible, then we get that question out of our discussion.

Then the next question is how effect is to be given to the rate or the pace of Indianisation. That is a question which must be discussed by this Committee and some principle must be laid down.

I am not talking of whether it should be in 5 years, or 10 years, or 20 years. I quite understand that you may lay down very definite resolutions about periods and that you may not be able to do it. I quite follow that. The question is how is this to be given effect to.

Chairman: I will try and apply myself to answering that question. It is no good me suggesting a mode of procedure unless it is one that is going to carry us to definite conclusions.

Now, my answer to the last question, which is the fundamental one, is that there should be as a consequence or as a net result of any recommendation an expert Committee set up to give immediate effect to this. Now I put it to you that no one round this table—and I am not speaking as a military man at all; but common sense tells that the first thing to do is to secure the site of the building, the number of men you are prepared to train, the accommodation, and all those things. The period is all dependent upon that.

Lord Reading: Yes.

Chairman: Because any period that you lay down must be contingent upon those factors. What I want to see is that practical steps are taken to give effect to it.

Mr. Jinnah: I was in possession of the Committee, and I have not finished yet with you, Sir, or with this Committee. Let me complete what I have to say in this Committee.

If you mean to appoint a special Committee for the purpose of considering the question of the pace of Indianisation and the various questions which you have raised here, if that is the idea, that a special expert Committee should be appointed, are you going to give any guide; are you going to lay down any principles for that Committee, or are you going to give them a blank cheque

and say: "Now, you decide as you think proper." That is the next question which I ask. My experience, Sir, is this, that unless this Committee lays down some definite principles which will guide that Committee to examine the whole situation in the light of those principles which you lay down here it will be futile to have a Committee. What are the principles then? Are you going to lay down here merely a pious expression of opinion that there shall be Indianisation? That policy has been the policy of the Government for a quarter of a century now. You are not doing anything new. If you stop there—if the Committee decides that, of course, I have nothing more to say—it means that you are leaving the whole matter to an expert Commission or an expert Committee to decide as they think proper. I say you must lay down a definite principle as to the pace of Indianisation otherwise it is no use.

Sir M. Shafi: In support of what Mr. Jinnah has said——

Mr. Jinnah: One minute. I want your ruling, Sir. Are we, or are we not, going to lay down some definite formula, some definite principle, which will be guiding principle of reference to that Committee to give effect to it in detail?

Lord Reading: I suggest that is not a matter for ruling. That is a matter for this Committee.

Mr. Jinnah: No, but the Chairman is now asking me what is the good of going into all these matters. I do not wish to go into any of them if that is the ruling. If you tell me that this Committee need not bother about it and that there shall be a blank reference, well I have nothing more to say. I say it will not do.

Chairman: Do let me answer your question, because we may as well clear it up at once; we shall get nowhere if we do not. First I answer that it is not a question of ruling, it is a question of this Committee applying itself to the practical problem. I answer you in this way. When I made that declaration this morning in favour of Sandhurst I did not mean it as a pious declaration, and whatever may have been done in the past, we are speaking here as part of a bigger and a wider scheme.

Lord Reading: Hear, hear.

Chairman: Everyone assumes—at least I do, and I speak for myself—that when this Conference finishes it is not finished with words and resolutions, but that practical steps will be taken to dovetail into the whole the general principles. The logic of it all would be this, that if you pass a resolution such as I have indicated of which we are all in favour, Indianisation and a Sandhurst, and so on, that does not mean, and I want to make it perfectly clear, in so far as I am speaking for the Government, that that is not merely a way of shelving it, but equally the Government would be foolish to say that, having agreed to this principle, this scheme must be carried out in X number of years if there are a number of factors which would upset the whole calculation.

Lord Reading: Hear, hear.

Chairman: That is all I am safeguarding against, and I beg to you to believe that the Government means to have Indianisation of the Army, they mean to establish a Sandhurst, and they mean to give effect to it. If there is going to be a Committee there must be Indians on the Committee and there must be practical experts on the Committee.

Mr. Jinnah: I have understood you perfectly well, but there is one very big factor which still you have not appreciated and which I am impressing upon you. I am impressing upon you, Sir, and this Committee that you must lay down some definite expression of opinion as to the pace. Unless you do that I am not prepared to agree to a Committee. That is my point.

Chairman: I understand that.

Mr. Jinnah: You must decide here as to the pace. Then how is it to be given effect to, by what methods, and through what means or instrument is a different question; but I want this Committee to express its opinion as to the pace. As I have said before, the proposition, if you will allow me to say so, is in a nutshell. If we can only get correct information on one point then I think this Committee will be in a position to deal with it, and that is the question of wastage. What is the wastage.

Sardar Ujjal Singh: A figure of 120 has been given.

Mr. Jinnah: I am quite aware of that. We had great difficulty in the past in getting the number of wastage. I venture to say to this Committee that the highest speed that you can reach is as I put to you the other day—we will call it the X number of wastage—the highest speed that you can get to is to say that from 1930, or 1931, or whatever you like, there shall be no British recruitment. That is the highest speed you can get. The utmost that this Committee can recommend is that there shall be no British recruitment in the future. Beyond that speed you cannot go. It is impossible. Very well; now, in order therefore to understand how fast we can go what shall be the rate of our speed? Let us definitely know what is the wastage per year. On this point we had great difficulty in getting the exact number. At one time we were told 180 officially. I want the Committee to follow me in this critically. At one time we were told 180; subsequently we were told 160; that is to say, when we were engaged in our enquiry in Committee, and we ultimately accepted the figure which was given to us officially as 160; and we proceeded on that basis to determine the pace or the rate of acceleration. It is the same question now before you to-day, and to-day I am told the wastage is 120.

Diwan Bahadur Ramachandra Rao: We were told 90 yesterday.

Mr. Jinnah: I think yesterday we were told it was 95.

Diwan Bahadur Ramachandra Rao: I think you, Sir, stated that it was 95.

Mr. Jayakar: In the notes supplied to us overnight it is 120.

Mr. Jinnah: I want, first of all, to get what is the figure of wastage definitely.

Chairman: I am told the information with regard to wastage is in the documents which were supplied to you this morning.

Mr. Jinnah: That is 120.

Chairman: Yes.

Mr. Jinnah: Very well.

Diwan Bahadur Ramachandra Rao: Does it include British officers posted—

Chairman: I will find out. That is the total of the present establishment over the whole of the Indian Army.

Diwan Bahadur Ramachandra Rao: It seems to me that all these difficulties arise because of various calculations. Some are included for some calculations and some are excluded from other calculations.

Mr. Jayakar: In the notes supplied to us last night the total number of officers is 3,141.

Chairman: I am told that that includes all.

Mr. Jinnah: I have not yet finished what I wanted to say.

Diwan Bahadur Ramachandra Rao: I do not think it includes all other arms except cavalry and infantry.

Chairman: I am told the answer is that it includes everyone. I do not know.

Mr. Jinnah: I do not think so. I do not agree with that.

Chairman: This is a challenge on data which has been supplied and we are not going on until it is quite clear. I now put the question to those responsible for supplying this information, are these absolutely accurate facts based upon the whole of the officers in the Indian Army? I am told that those are the estimates we receive of the normal annual wastage on the present establishment of officers of the Indian Army with King's Commissions.

Mr. Jinnah: Of all arms?

Chairman: Yes. We must not doubt the accuracy of that.

Mr. Jinnah: Do I understand—I am very nervous in accepting this figure—now from you that this is the total wastage in the Indian Army proper with regard to all arms. That is what I want to know.

Chairman: The answer to that is Yes, so I am told.

Mr. Jinnah: Very well.

Chairman: Of the Indian Army.

Mr. Jinnah: The Indian Army proper?

Chairman: Yes.

Mr. Jinnah: All the Arms.

Chairman: All officers with the King's Commission in the Indian Army. It is made quite clear; you know what it is.

Mr. Jinnah: I do not want to proceed any further with that matter. I will leave it there. We will take it that 120 is the wastage.

Now I want this Committee to express its opinion, and the opinion I want from this Committee is this. Let us examine, first of all, what is the number of Indians who ought to be recruited per year. We, on this side, hold—at least I hold—that you can get all the 120 if you want them.

Dr. Moonje: Yes, quite right.

Mr. Jinnah: We have ample material. Imagine 320,000,000 people with a history behind them. Does any man of common sense believe that we cannot produce 120 boys per year who will be able to stand the most rigorous and strictest test of efficiency before they are granted King's Commissions? That is question number one. We can give you the whole number straight away. Are you prepared to accept it? If you want to Indianise the Army, if you really are in earnest, if you mean to hand over the defence of India as soon as possible to India, you can do it by saying henceforth the total number of the wastage shall be recruited from amongst the Indians, and that will take you 35 years.

Mr. Jayakar: 26 years.

Dr. Moonje: 30 years.

Mr. Jinnah: It will take 35 years. The last General will remain British. It will take you 35 years if you stop all recruitment to-day. I shall welcome it most wholeheartedly if you can do it in 28 years or 25 years. I am not opposed to that but in order to get that result this Committee must express an opinion that henceforth there shall be no British recruitment.

Dr. Moonje: That is the point.

Mr. Jinnah: That is the point on which I want to focus the attention of this Committee, and I say you must express your opinion on the pace of Indianisation.

Now, Sir, I have got to say this. Another difficulty on which I want an expression of opinion from this Committee is this. We are very often told that it cannot be denied that, at any rate, the defence of India must remain with the British Government, and so long as that is the position the degree of responsibility to be transferred must be limited.

I do not want to go into old history, but the scheme with which we are working now, which provides for 20 each year, means that it will take several centuries, I think, before we have even Indianised the Indian Army proper. Then there is the question, when we have Indianised the Indian Army proper, or are going on with the Indianisation of the Indian Army proper, of the reduction of British troops side by side with that. That again is a question of pace.

As you go on reducing the British troops, it may be necessary for the safety of India, both internal and external, that our standing Army of Indian troops, which is about 170,000 at present, should be increased. If that number has to be increased in order to replace the British troops as their numbers are reduced you will have to get more officers; remember that. Therefore, while you go on Indianising the officer ranks of the Indian Army proper, you may have to provide for an increase of troops as well as for additional officers, and there are some 3,000 odd officers—I am not quite sure of the number—with the British troops.

I say, therefore, that this sub-Committee must express a general opinion on the principle of the gradual reduction of British troops. The proportion of that reduction is a matter to be considered hereafter, but I would ask this sub-Committee to express an opinion on the principle, and to lay down that in our opinion British troops must be gradually reduced and replaced, if necessary by Indian troops.

That is all I have to say with regard to Indianisation. The next question is the question of a separate force, such as is suggested by the Simon Commission and which is referred to in the Despatch of the Government of India. I am opposed to that recommendation of the Simon Commission.

Lord Reading: I did not catch what recommendation you are referring to.

Mr. Jinnah: The recommendation which was referred to by the Chairman in the heads that he gave us.

Lord Reading: For a Dominion Army?

Several Members: For a separate Dominion Army.

Mr. Jinnah: I am opposed to that. I do not want to say anything more on that at the present moment unless I hear someone supporting it, because I do not want to take up your time unnecessarily; but if anyone is going to support it I will give my reply.

The next question before us is that of the Military Council. On that my view is that it will be essential to have a Military Council in India, just as you have here, for your purposes, an Imperial Defence Committee. I should like the Indian Princes and States to be represented on that Council, because it will be a question of All-India defence and the development of All-India defence, and therefore I should like the Indian Princes to be represented on that Council, and I am strongly of opinion that that will be necessary.

While we are thinking of the Indianisation of the Indian Army proper and the replacement of British troops, we shall also have to consider, as the replacement of the British troops takes place, another question, and that is not only to what extent we should increase our standing Army in view of the fact that a reduction of British troops has taken place—we may have to do that, or we may not have to make a proportionate increase—but

we must also consider our second line of defence. Our second line of defence at present is in a very nebulous state. It consists of the Auxiliary Force and the Territorial Force, which are referred to in the note which has been supplied to the members of this sub-Committee. That question requires a great deal of attention in India, and has been given a great deal of attention in other countries situated as India is situated. You cannot bear the burden of a huge standing Army.

In the old days whenever countries were in danger on their land frontiers what happened was that if there was a war two armies fought; the people were really not concerned with it very much. The two forces came into conflict with each other; one defeated the other, and the conquerer became the ruler of the conquered State, but the people went on as before; a man tilling his field suddenly came to know that, instead of A, B was the ruler of the country. He was not very much interested, except that a change of rulers had taken place.

But those days have gone; you cannot possibly now-a-days depend upon a standing Army only; you must also have your national army. That was shown by what happened to you in this country during the war. Your standing army would not have sufficed if you had been entirely dependent on it and had had no material behind it of a national character which could be mobilised; otherwise the position would have been serious.

Raja Sher Muhammad Khan: But there is a Territorial Army in India.

Dr. Moonje: Only in name.

Mr. Jinnah: I wish there was a real Territorial Army in India, because in that case I think we could reduce our standing army very much, and use the money which we are now spending on the army for some urgent national requirements of our country.

Lord Reading: There is a Territorial Force of 20,000, I believe, and an Auxiliary Force of 35,000?

Several Members: Yes.

Raja Sher Muhammad Khan: And a Reserve of 34,000.

Mr. Jinnah: Let me tell you, Lord Reading, that in America there is a Territorial Force of nearly a million.

Lord Reading: They have no standing army.

Mr. Jinnah: They have a standing army of over a lakh in America, and they have what is called a Citizen Army, or second line of defence, which is nearly a million strong. We have the figures and facts, and if you want to verify that, Sir, I would beg of you to look at, and let my colleagues here see, a copy of the report of the sub-Committee of the Sken Committee, which has been suppressed by the Secretary of State for India, up to now, and then you will get the facts. I am asking for materials, and I do beg of you to induce the Secretary of State for India to release that sub-Committee's Report.

Mr. Jayakar: I should like to know a little more of what Mr. Jinnah is saying. What is this sub-Committee's Report?

Mr. Jinnah: The sub-Committee which was appointed by the Skeen Committee to come to England, France, America and Canada, collect materials of the various systems that prevailed in these four countries, and we spent something over 3½ months in travelling round collecting those materials, and those materials will give you all the information as to what is happening to other countries like ours, such as America.

Chairman: But surely it does not help us. What is the hostile land frontier to America? I am not a military expert, but I know America. What is the hostile land frontier to America?

Mr. Jinnah: I was not saying that.

Chairman: Well, America was quoted.

Mr. Jayakar: My question to Mr. Jinnah was, I want to know the details of this Report, Sir.

Sir Phiroze Sethna: Ask the Government to give members a copy of that Report.

Sir Muhammad Shafi: Seeing that the land frontiers of India are much larger than the land frontiers of any other country, it follows that there should be a larger second line of defence in India than in those other countries.

Mr. Jayakar: My question to Mr. Jinnah was, I want to know the details of this sub-Committee's Report.

Mr. Jinnah: I say that the sub-Committee has made a Report giving you the various facts and figures with regard to the position of these four countries—France, England, Canada and America—giving you all the materials, and those materials, I say, if they were placed before you would give you a great deal of information which would enable you really to understand the whole problem—with regard to the second line of defence, I am talking.

Now, with reference to your remark, Mr. Chairman, I am very much obliged to you for saying that as far as you are aware America is not threatened with land frontiers. I agree with you; and yet America has a standing Army of nearly a lakh.

Chairman: That is to deal with boot-leggers.

Mr. Jinnah: Well, whether you have boot-leggers within your jurisdiction or whether you have boot-leggers on the frontier, these armaments are necessary. The question is where they are. Therefore I say that you will never get—let me tell you, you will never get—a reduction of military expenditure in India of any appreciable degree until you build up a real second line of defence. All countries placed as India is placed have got to do that.

Now, Sir, I have done with that question, and I conclude by saying this—that this Committee really must, if you are going to contribute anything useful to the question of the political principle of defence, if you are going to make any contribution,

you must make definite recommendations. That is all that I have to say.

Sir Muhammad Shafi: There is one matter which I think requires a little further elucidation, if I may be permitted just to invite the attention of the Committee to it. The paper with which we have been supplied this morning shows that the scheme adopted unanimously by the Government of India in 1922 contemplated complete Indianisation of the officer ranks of the Indian Army in 30 years, and if you turn to Appendix I to that Report you will find that according to that Report the number of commissions granted during each period is given in that Appendix. During the first 14 years, according to that scheme, the number to be granted annually averaged 81·4, the number to be granted during the second period averaged annually 182, and the number to be granted during the third period averaged annually 227—on an increasing scale—and having provided for this average grant of commissions at a certain rate during each of the three periods, the scheme contemplated complete Indianisation within 30 years. On the other hand, the Skeen Committee, you will remember, consisted originally of 14 members. Of these 14 members, Pandit Motilal Nehru resigned, and there remained 13 members. Of these 13 members a majority—that is to say, eight members—approved of the Skeen Committee's scheme which would Indianise 50 per cent. of the officer ranks of the Indian Army in 25 years. Three, including Mr. Jinnah, voted for 15 years, and two for 20 years. It is clear, therefore, that the majority report of the Skeen Committee contemplated Indianisation of one half—that is to say, 50 per cent. of the officer ranks of the Indian Army—in 25 years. That is what I meant when I said that neither Sir Tej Bahadur Sapru nor I, who were party to the Government of India scheme of 1922, are prepared to accept the Skeen Committee's Report. We stand by the original schemes of the Government of India adopted in 1922, and we ask that this Committee should lay down as a political principle regarding Indianisation that the officer ranks of the Indian Army should be completely Indianised within a period of 30 years commencing on the 1st January, 1932.

Lord Reading: Are we to lay that down without consideration of what the head of the Army considers possible? Is it contemplated that we should lay that down as a fixed principle without regard to the Commander-in-Chief or the expert authorities in India or the Government of India?

Sir Muhammad Shafi: May I point out, Lord Reading, that the scheme adopted by the Government of India in 1922 was adopted with the unanimous consent of the Commander-in-Chief, the then Viceroy and the members of the Cabinet, all after having fully considered it in all its aspects and upon the basis of the recommendations made by the Army Department of the Government of India. There is no reason to think that the conditions which existed in 1922 have undergone such a material change that the same principle cannot be adopted now.

Lord Reading: Was this approved by military experts?

Sir Tej Bahadur Sapru: Yes, by the highest military officer at that time in India.

Sardar Ujjal Singh: I should like to make a few remarks on this matter after the long speech to which we have listened from Mr. Jinnah. I do not wish to say very much on the points which have been already covered. I doubt very much whether any one disputes the capacity of Indians to hold high rank in the Indian Army. I do not want to say anything on that, nor do I want to say anything about any differentiation being made between man and man or between various classes. What is required is to have the best material for the higher ranks in the Indian Army by open competition. There should be a fair field and no favour.

I should like to say that I welcome your declaration, Sir, on behalf of the Government, and I believe that it will be received in India with a great sigh of relief. The establishment of an Indian Sandhurst immediately as soon as conditions permit will certainly be welcomed, but it does not carry the matter any further than what has been recommended in the Sandhurst Committee report. Unless you back up that declaration by a certain declaration of policy with regard to the pace of Indianisation I do not believe that it would create very great enthusiasm. As many of the speakers have already pointed out, the Sandhurst Committee report is already a back number. I think with regard to the establishment of a Sandhurst that you must lay down some definite principle because you will have to determine the capacity of the Sandhurst to be established. The Sandhurst Committee drew up a scheme, and according to that scheme they contemplated the establishment of a Sandhurst in India in 1933 with a capacity of 100 Cadets only. 33 Cadets were to be admitted every year. In that case the pace of Indianisation would be that in 1952 we would have only 50 per cent. of Indians in the higher ranks. That, you know, Sir, is not going to satisfy India now; and if you are going to satisfy Indian public opinion you must lay down some principles, and express some opinions, about the pace of Indianisation, and then leave the details to be worked out by the expert Committee. As has been mentioned, one scheme was drawn up as far back as 1922 for the Indianisation of the higher ranks in 30 years. If that could be true in 1922 it could certainly be true now. If you could draw up a programme of Indianisation in 30 years that might satisfy public opinion. From that point of view, from 1922 we have taken 38 years and not 30 years as was contemplated then. Without determining, or without laying down some principle with regard to the pace of Indianisation, the simple announcement of the establishment of an Indian Sandhurst would not carry us any further.

Then, Sir, with regard to the reduction of British troops in India. Opinion in India is certainly growing strong with regard to the reduction of British troops. Many of us here remember that, previous to the Indian Mutiny the strength of the British

troops was very small. I have some figures but I do not know whether they are quite accurate.

Diwan Bahadur Ramachandra Rao: The number was 28,000.

Sardar Ujjal Singh: The strength of the British troops was 28,000.

Lord Reading: Of what date are you speaking?

Sardar Ujjal Singh: Previous to the Indian Mutiny in 1857. Of course it was after the Mutiny that the strength of the British troops was raised, and now it stands at about 60,000. When you compare the cost of British troops before the War and what it is now all of us will realise what it means to India to reduce the number of British troops in India. Previous to the War one British soldier cost 1,000 rupees, but at present he costs 2,500 rupees, as against 650 rupees for the cost of an Indian soldier. Now, Sir, if a reduction in the number of British troops is gradually carried out of course with due regard to efficiency in the Army, with due regard to the safety of the country, and with due regard to other interests which have been pointed out already, we must lay down a principle here which has not been laid down before that there is a necessity for the reduction of British troops now, because a Federal Government having been established that suspicion is bound to be removed and the necessity for British troops which are kept there with the object of preserving internal peace, or for Imperial purposes, will certainly be curtailed.

With regard to other matters which have been mentioned by Mr. Jinnah, such as the relationship with the Crown, I should not like to say anything; but I do want to mention these two points particularly, the pace of Indianisation in the higher ranks of the Indian Army and the reduction of British troops. I think some general principle and an expression of opinion must be laid down by this Committee and the details should be worked out by an expert Committee to be set up afterwards.

H.H. The Maharaja of Alwar: I should like to ask a question of this Committee. I hope the splendid scheme of a Sandhurst College or school in India will be open to the Indian States also.

Chairman: The one thing that we want to avoid is segregation, and I have no hesitation in saying that the answer to His Highness' question is "Yes, certainly."

H.H. The Maharaja of Bikaner: The Sandhurst will be open to officers of the Indian State Forces as well as to our subjects?

Chairman: Certainly.

Diwan Bahadur Ramachandra Rao: With regard to the Indian Sandhurst Committee, a circular was sent round to all the Indian States asking them to inform the Committee as to what their requirements would be and whether they would be willing to have their officers trained at the Sandhurst which they proposed. Most of the States replied that they would be willing to take advantage of the Sandhurst when it was established.

Chairman: So that for all practical purposes we are discussing Sandhurst in relation to the whole.

Diwan Bahadur Ramachandra Rao: And the scheme provided for a certain number of candidates from the Indian States.

Chairman: At what time would you like to reassemble.

H.H. The Maharaja of Bikaner: We are seeing the Prime Minister at 3 o'clock this afternoon, so I am afraid we should not be able to be present if you recommence at that hour.

Mr. Jinnah: May I point out to His Highness The Maharaja of Bikaner that paragraph 48 of the Skeen Committee's Report says this, "It seems probable that a number of the Indian States would be glad to avail themselves of the benefits of the training available in the Indian Military College, if one is established, for the purpose of giving higher training to some of the officers of their State Forces. We believe that the participation of the Indian States in the College would be an advantage to India as a whole, as tending to increase the efficiency of the Indian State Forces, and we recommend that a certain number of vacancies be reserved for Indian States at the College over and above the number of vacancies available for candidates who seek Commissions in the Regular Indian Army."

Sir Akbar Hydari: It is only for the officers of the Indian State Forces.

Mr. Jinnah: They will be eligible for admission.

Chairman: To go back for a moment to the question of our next meeting, I understand the Princes cannot be here this afternoon.

H.H. The Maharaja of Bikaner: All the Princes have to see the Prime Minister this afternoon about their own matters.

Chairman: To-morrow morning we cannot meet because the funeral of the King's sister will take place.

Sir Abdul Qaiyum: I have a suggestion to make. I think the Indian Sandhurst should be open to British lads too.

Sardar Ujjal Singh: Yes.

Sir Abdul Qaiyum: We should encourage English lads from England to come, if they would care to come to the Indian Sandhurst.

Colonel Haksar: I quite agree.

Chairman: I do not know if it meets your wishes, but it may save discussion if in the interval I try and summarise the position in some broad general resolutions. That will enable you to have some material before you.

(The sub-Committee adjourned at 1-5 p.m.)

PROCEEDINGS OF THE THIRD MEETING OF SUB-COMMITTEE No. VII
(DEFENCE) HELD ON 12TH JANUARY, 1931.

Chairman: You will remember, Gentlemen, that when we adjourned on the last occasion I said I would endeavour in the

interval to try and focus the discussion on certain definite resolutions. I think I am interpreting everyone's views when I say that to attempt to set up a definite scheme or a time table in a Committee of this kind and on such a question as we are discussing is next to impossible.

Lord Reading: Hear, hear.

Chairman: I think more harm would be done than good in attempting to do any such thing; but, on the other hand, there are certain definite principles on which there appears to be unanimity existing in the Committee, and instead of a long debate again over the whole subject, I have drafted a few resolutions as I so interpret your feelings which may be the basis of discussion.

I have arranged for copies to be circulated. I will now read them:

"(1) The sub-Committee consider that with the development of the new political structure in India, the defence of India must to an increasing extent be the concern of the Indian people, and not of the British Government alone." That is a first broad general declaration.

Then "(2) In order to give practical effect to this principle, they recommend:

(a) That immediate steps be taken to increase the rate of Indianisation in the Indian Army to make it commensurate with the main object in view, having regard to all relevant considerations such as the maintenance of the requisite standard of efficiency."

Now, that is the first statement following that declaration.

"(b) That in order to give effect to (a), a training college in India be established at the earliest possible moment in order to train candidates for Commissions in all arms of the Indian Defence Services. This College would also train prospective officers of the Indian State Forces. Indian cadets should, however, continue to be eligible for admission as at present to Sandhurst, Woolwich and Cranwell."

That is to give effect to the declaration which I made on Friday.

"(c) That in order to avoid delay the Government of India be instructed to set up a Committee of Experts, both British and Indian, to work out the details of the establishment of such a College.

(3) The Committee also recognise the great importance attached by Indian thought to the reduction of the number of British troops in India to the lowest possible figure and consider that the question should form the subject of early expert investigation."

On that you will also remember I intimated there was a Committee to consider that, and the idea is that that Committee's job

should start immediately our work has finished. Now that document will be circulated. You will see it gives a broad general effect to the discussion as it took place on Friday.

Lord Peel: Do you propose that the discussion now as it were, should start afresh on the basis of this paper which you have laid before us, and rather wipe out, as it were, what was said on the last occasion?

Chairman: Let me put it in this way. I hope there will not be too much discussion; I hope we shall apply ourselves to seeing how far these, what I call for short, resolutions meet the general views of the Committee.

Lord Peel: I see.

Sir Samuel Hoare: Your idea, Mr. Chairman, would be supposing there was agreement upon these resolutions that this would be the report of the Committee?

Chairman: That is so.

Sir Samuel Hoare: I see.

Sir M. Shafi: I take it the object is to focus the discussion on these propositions?

Chairman: Certainly.

Lord Reading: Mr. Chairman, you have by the step you have taken given effect to the propositions that I was about to make which would not have been so well expressed or so carefully thought out, but which would have followed along the same lines, because I was very anxious that we should not as a Committee attempt to lay down principles which would fetter in any way the judgment or the discretion of the military authorities and the Government of India when they came to consider these matters; because frankly it seems to me impossible for us, although we have some distinguished military officers amongst us, and amongst them several of Their Highnesses and others who are here present now whom I need not name, we cannot consider ourselves an expert Committee, and it would be most dangerous for us to lay down any principle, as it seems to me, stating any rate of Indianisation or anything of a precise character of that kind which would or might embarrass those who will have to deal with this subject. You have dealt with it, Mr. Chairman, in a manner that seems to me to satisfy certainly my views, and so far as I can gather, the views of the majority of the Committee. You do affirm that the rate of Indianisation is to be increased, but it must be having regard to all relevant considerations. I quite accept that.

With regard to the Indian Sandhurst, which is in (b) and (c), I do not desire to say anything. I raise no objection to that. The Committee known as the Skeen Committee was appointed by me. It reported after my time, and has been dealt with. Some of its recommendations have been made effective; others, and especially this one, have not yet been accepted by the Government. I quite agree that this is a matter which should receive early attention.

It can be dealt with, I suppose, now by a Committee if it is set up at once which will have to examine it. It has to be borne in mind when the new Government comes into operation that it will have to bear the burden of responsibility for these various matters, and before anything is done one would think that they must be the authority to give the instructions and to come to conclusions in consultation no doubt with the military authorities here and the Viceroy who is in charge of the reserved subjects; but there can be no objection to the setting up of the Committee so that there may be no time lost in examining this whole question; and that it is necessary to have an examination is made very plain by the discussions which have taken place here. I think Sir M. Shafi and also I think Sardar Sahib Ujjal Singh, and I am not sure there were not others, who said that the Skeen Committee's Report is dead; it is out of date. It is true they only say that with reference to the part which deals with the Indianisation of officers, but it serves to illustrate the point I want to make with regard to it, that these Reports very soon become out of date. You cannot help it. The 1922 Committee's Report which is before us and which is preferred by most of those who spoke, including Sir M. Shafi, because it proposed a much more rapid Indianisation than the second Report—the Skeen Report is dead and you go back to 1922.

Sir M. Shafi: Perhaps Your Lordship means a comparatively rapid Indianisation; not much more rapid.

Lord Reading: It seemed to me from what was said much more rapid. It does not matter about the term; it is preferred because it is more rapid. Well that is the 1922 Committee's Report which is even older than the Skeen Committee's Report. I do not suppose anyone would say that you could take those recommendations and accept them without further consideration. I would point out also that there have been a good many changes made since 1922 when the matter was examined with very great care at the time. The whole question was considered, as I have said, in all detail, and I think the one thing at any rate that stands out very clearly in my mind is that this is a subject which no human being, and particularly an Indian who is interested in the defence of India, would ever venture to pronounce a hasty opinion upon. Everyone must assume certainly who is familiar with that Report that the whole question requires most careful examination. I say no more about it; I am content to leave it in that way.

The only other matter with which I want to deal is one which I confess has rather troubled me in the discussions in this Committee, and that is No. (3). Of course I bow to your ruling, Sir, which permits of some, although very limited, discussion with regard to the reduction of British troops. It had never occurred to me when we were talking of Indianisation that we were speaking also of a reduction of British troops. In my time, at any rate, and as I have understood the nomenclature, the debate on Indianisation has always referred to the Indianisation of officers, the question of the substitution of Indian officers for British; it has always been

discussed under the term of "reduction of British troops." I cannot dwell upon that or make more of it, because you have said, Mr. Chairman, that to some extent it is open. All I wish to say with regard to it is that I would hesitate very much indeed to express any opinion with regard to the number of British troops without—

Sir Samuel Hoare: This does not express an opinion.

Lord Peel: It leaves it quite open.

Lord Reading: That seems to emphasise the wisdom of what I am saying, that I would hesitate to express any opinion. All I am saying is that I would hesitate to express any opinion for that reason, and probably no doubt if this is adopted you must remember it is a proposal. It is, "The Committee also recognise the great importance attached by Indian thought to the reduction of the number of British troops in India to the lowest possible figure and consider that the question should form the subject of early expert investigation. Now, that is a proposal. If it is accepted there is nothing more to be said with regard to it. It may make it easier; but as far as I am concerned I want to say this. I think one has to be very careful about it. When you speak of reducing the number of British troops in India to the lowest possible figure, that, I presume, means consistent with the obligations which Britain has undertaken and consistent with the work which the Army has to perform, and also bearing in mind the required efficiency of the troops and especially the numbers that are to be employed if the Army consists only of the number of troops that we have at present. I have in mind particularly in this connection one matter, I have no doubt there are others, which probably Sir Akbar Hydari would be more familiar with than I am, as I am only speaking from a recollection of the time when I was there, under which the British Government is under obligation to keep British troops, or to keep Indian troops with British officers, and in that connection the obligations could not be performed unless you maintained to some extent, at any rate, these troops and British officers. All I wish to say with regard to this, having gone through this question with very great care at one time, when after a great deal of pressure, and legitimate pressure, especially based on the desire for economy in the Committee's Report of 1922 we reduced the number of British troops by something like 15 per cent., that is by about 10,000. That was done only a few years ago. For my part I hesitate very much to express any opinion that a reduction of British troops is desirable at this moment or that it can be achieved. I should not like to say, and I do not want to be committed to any observation of that character, although I quite agree that the Committee is entitled to form the view that as soon as you can consistent with safety and efficiency and all relevant considerations reduce the number of British troops because the cost is much cheaper. It is between four and five times cheaper to have Indian troops than British. But you must not do that until it is safe to do it. I should be very surprised if you could do it to any extent at the present moment, bearing in mind all the considerations that you

must take into account for the defence of India and all possible contingencies. For my part, as I have said, I should hesitate at this moment to give a vote in favour of the reduction of (1). I should like to be satisfied. I hope I am right in thinking that everyone here would take that view. That is all I wish to say with regard to that matter. I do hope that we shall not in the debate get any further than that in considering this question of the reduction of troops.

Sir M. Shafi: Lord Reading has expressed his opinion which of course, coming as it does from him, must carry weight and receive careful consideration with regard to the second and third propositions, which you, Sir, have formulated on this paper. May I venture to ask him what is his opinion as to the principle laid down in paragraph 1? He has not said anything with regard to that. Before any of us express our opinions I should like to know whether His Lordship accepts the principle laid down in paragraph 1.

Lord Reading: Yes, certainly; that is why I did not criticise it.

Sir M. Shafi: If that is so, then bearing the principle laid down in paragraph 1 in mind it seems to me that that necessarily leads to two things.

Firstly, with regard to what is called the Indian Army proper—that is to say, the Indian section of the Army in India—it leads to the Indianisation of the officer ranks of that section of the Army. In the second place, the principle noted in paragraph (1) also leads to this, that the British garrison in India—that is to say, the British Army—should be gradually eliminated, being substituted by Indian regiments to the extent that may be necessary.

Lord Reading: Why do you say that, Sir Muhammad?

Sir M. Shafi: Because of the principle laid down in paragraph (1).

Lord Reading: I do not agree.

Sir M. Shafi: It lays down that "The defence of India must to an increasing extent be the concern of the Indian people." That necessarily, I venture to submit, leads to those two results.

Lord Reading: If you will allow me to say so, Sir Muhammad, I should like to point out that that is not quite right, for what you have referred to is not the whole of it; it goes on to say "and not of the British Government alone." If your question to me had been whether I said the defence of India must be the concern of the Indian people, I should have said I did not agree; but when you add "and not of the British Government alone," then I do agree.

Sir M. Shafi: I quite agree, but the point is this: At present the defence of India is the business of the British Government alone; at present the Indian people do not come into the picture constitutionally so far as the defence of India is concerned. Therefore, if the people of India are to have an increasing share in the defence

of their own country, I venture to submit that two results which I have submitted to you necessarily follow. In the first place there must be the Indianisation of the officer ranks of the Indian Army, and secondly there must be the gradual elimination of the British garrison and the gradual substitution for it of Indians for the purposes of the defence of India. I do not say, of course, that there should be any large elimination of or decrease in the British garrison; I do not say that at all. Lord Reading said that after very careful consideration in 1922 certain conclusions were arrived at, including the reduction of the British garrison. I forget now what was the actual percentage proposed.

Lord Reading: Roughly ten thousand out of seventy thousand.

Sir M. Shafi: I entirely agree that the scheme which was framed in 1922 and the conclusions which were arrived at in 1922 were the result of very careful consideration, and in that lies the value of the conclusions then arrived at; that is the reason why I said that that scheme—having been very carefully considered and revised and, after revision, adopted unanimously by the Government of India, including Lord Reading, the late Lord Rawlinson, and all the members of the Executive Council—is a scheme which is worthy of the serious consideration of this sub-Committee.

I do not say that in every detail that scheme must necessarily be adhered to; all I say is this, that the period of Indianisation which was computed at that time is a period which should be borne in mind by this sub-Committee—within thirty years. I venture to think that the opinion then arrived at holds good even now: I see no material change in the conditions in which those conclusions were arrived at. On the contrary, having been myself one of the representatives of India in the Imperial Conference this year, and knowing what is going on at Geneva and what steps the British Government is taking in order to bring about an agreement between all the great Powers with regard to the reduction of armaments and with regard to arbitration being adopted as the means of settling International disputes, and so on, I say that to my mind there is some prospect of a change for the better coming in the near future, though I do not say there is a change for the better to-day. That being so, it seems to me that the scheme prepared in 1922 is worthy of the consideration of this sub-Committee.

What I say is this. The three principles laid down by the Chairman in the paper that has been placed before us *prima facie* appear to me to conform to the principles which are worthy of adoption by this sub-Committee; and, if you adopt the first principle, the second and third seem to me to be the necessary consequences of the first.

Chairman: Before I call on His Highness of Alwar, I want to make one observation which I feel you must all keep in mind. If this conference to-day were composed of representatives of South Africa, Canada, and New Zealand, all enjoying what is called Dominion Status and so on, I want to remind you that by their own

action, claiming as they do to be equal co-partners with this country, the question of the defence of the Empire is not a matter for them. They themselves by their own act—and I hope it will never be departed from—are subject to a body called the Committee of Imperial Defence. Therefore, in view of the fact that you are not discussing law and order but are discussing defence, you must always have at the back of your mind that any scheme, no matter who submits it, whether it be one government or another, must by the very nature of things be subject to the Committee of Imperial Defence, because after all they are the responsible body for the Defence of the Empire as a whole. I make that observation because that must be a governing factor, and I do not want anybody to feel that there is something special for India about this. It is not something that is special to India; it is common to the Empire as a whole.

Sir Tej Bahadur Sapru: Would Your Lordship, consistently with the principles enunciated in these resolutions, recommend the Expert Committee to be appointed to treat the reports of the Committees appointed during your Viceroyalty in India, and also the report of the Skeen Committee, as the basis of their consideration and discussion?

Lord Reading: I should not like to say as a basis. I think they should have those reports before them and consider them. It is too much to say they should regard them as a basis, but I certainly agree that they should have those reports before them and that they should consider them.

H.H. The Maharaja of Alwar: On my own behalf, Sir, I should like sincerely to congratulate you on the brevity of the report which you have put before us, and when I read the various paragraphs in it, firstly saying that the defence of India must to an increasing extent be the concern of the Indian people, secondly that immediate steps be taken to increase the rate of Indianisation commensurate with the main object in view, thirdly that a training college in India should be established at the earliest possible moment, fourthly that the Government of India be instructed to set up a Committee of Experts, both British and Indian, to work out the details of the establishment of such a college, and, fifthly, that this Committee also recognises the importance of the reduction in the number of British troops in India to the lowest possible figure, and considers that the question should form the subject of early expert investigation, speaking for myself I doubt very much if Indians could have drafted a report more suitable to themselves, and I cordially support every word that you have said there. I congratulate you not only on the brevity of this report but on the material that it contains.

No doubt a great deal will depend on the two Expert Committees which will work out the details, and I can only express the hope, in concluding my extremely brief speech, that those committees, when they come to work out the details in accordance with the instructions given to them, will be equally generous in their sentiments and in the working out of the details, as generous as

you, Sir, have been in drawing up the report of the sub-Committee, which I cordially support. I hope my colleagues will do you the justice, after expressing their individual opinions, of helping you in the same direction.

Sir Akbar Hydari: I want to suggest that an additional paragraph be added in the following terms: "The Committee also recognise that no action should be taken so as to prejudice in any way the power of the Crown to fulfil the military obligations undertaken by it in any Treaty it may have entered into within any particular Indian State." All this will have to be borne in mind. As I have repeatedly said here and elsewhere, we are definitely of opinion that the obligation of the Crown to discharge certain obligations towards the Indian States must emphatically remain within the Province of the Crown and be unaffected by any action that may be taken, unless and until the Crown assures that State that its Treaty obligation will not be thereby affected.

Chairman: I will have a copy of that resolution, but I should like to make it clear that, whether any such resolution as that indicated by you is submitted or not, neither this sub-Committee nor any other Committee can in any way abrogate Treaty obligations that are in operation. I have always acted under the assumption—and I am sure everyone else has—that that stands beyond question, so that if any such declaration as that meets your point you have it from me, and I am sure it must be the clear intention of any committee.

Sir Akbar Hydari: It may be a declaration by you, but as this will go out as the report of the sub-Committee it would be desirable to have the report in that form.

Chairman: Please let me have a copy of that.

Lord Peel: I shall try to emulate the admirable example of His Highness, who has just spoken, as regards brevity, but I should like first of all to quote a sentence from the Skeen Report which seems to me very pertinent and which expresses in many ways my general point of view. I am quoting the words of Sir P. Pattani, who says here that he is not approaching the question "from the point of view of Indianisation against Europeanisation. I am only treating it", he says, "as an Imperial question. It is in the interests of the Empire itself that every component part, every limb of the Empire, should be equally strong, so that no weak link or organ, no weak part of the body, should be so weak as to hamper the whole of the body in the event of a great danger." I think that is admirably expressed, if I may say so, by Sir P. Pattani.

I can say very briefly all I want to say on these proposals. I have always held that India, as she advances towards responsible government, must necessarily take the obligations upon her which that great position involves, and therefore that she must take an increasing part in her own defence. I agree with that proposition, and I also agree that—subject of course to the necessary requirements of efficiency—that rate should be increased.

Perhaps I may be allowed to say that, as I think Lord Reading will well remember, I was responsible over here for carrying through the proposals for the Indianisation of the Eight Units. I am quite aware that subsequently those proposals have been considered to be inadequate, but at the same time they were an extremely important commencement, and I think they have had very valuable results.

Then as regards the training college to be set up in India, I quite agree that that college should be set up, and I also agree that that should be coincident with young men also coming over for training at Sandhurst; I lay great stress on that point. Quite apart from the fact that Indian parents may often be unwilling to send their sons over here for training, I think this proposal would enable you to tap a very valuable section of the youth of India—that is to say young men who, whatever the grants may have been at Sandhurst, might consider it rather a heavy responsibility to come over here. A great many sons of families who are most competent to take part in the defence of their country will have an opportunity of getting that training in India itself. I should like to add that they will come over here to be attached to a regiment as well.

I am therefore in general agreement with those proposals, and I think (c) follows from them, so I need say no further word on that point.

I should add in parenthesis that I am only dealing with the question of the Army, because my friend Sir Samuel Hoare, who is an expert on Air matters and who flies a great deal more than I do, will say a few words on that side of the subject.

With regard to the very important question of the reduction of British troops in India, of course the question of the expense of British troops in India has been brought before me constantly, and of course the question has been raised that more are kept as an Imperial Reserve than might otherwise have been kept. I am extremely glad, Mr. Chairman, that you have advised that this sub-Committee should not itself go into the question of what reduction, if any, should be made, whether by way of reduction or substitution, at the present time, because I do not think we are really constituted for that and it is a most difficult and complicated question and one which involves a great many problems of defence which it is quite impossible to state in open committee. It involves all sorts of questions, possibly affecting other countries—questions of mobilisation, questions of support, questions of assistance elsewhere and so on—which it would be extraordinarily undesirable to state publicly.

I also recollect very vividly the fact to which Lord Reading has already referred of the reductions in 1922 as a result of the advice given by the Committee over which Lord Inchcape presided.

I should like to point out with regard to that that India at that time, was in a very difficult financial position, and that financial questions pressed very hard upon us when we arrived at those decisions; but I should like further to say—because I think it is

worth saying—that that subject of the reduction of the British Army by that number of troops was examined after many many days most carefully in the Committee of Imperial Defence. I sat upon it for many days on that subject; it was thoroughly canvassed, and all the great military and air experts and the best military intelligence were brought to bear upon it, and the best military advice, and not only that, but advice of other kinds, from the Foreign Office and other quarters. Therefore, I think, Mr. Chairman, that you are extremely wise in saying that this subject should be the subject of expert investigation. I am not going to say now, of course, what should be the direction to that Committee; that will be considered later; but I feel—and Lord Reading has alluded to some aspects of this matter, that really the question of the reduction of the British Army in India rests upon so many wide considerations that I hope the reference to that Committee will be a wide one, and that they will be able to take into consideration a great many other matters which, as I say, cannot be discussed here publicly but will be thoroughly thrashed out in that Committee. That Mr. Chairman, I think, on those matters, is all I have to say. There are many things that I would have said about the Indianisation of the Army, but I think it becomes unnecessary to say them owing to the decisions at which you have arrived. Generally speaking, I think I should welcome these investigations, because I am not afraid of any investigation of that sort. I think the whole matter can very fairly be looked into, and I do not think there is any objection to it.

Sir Muhammad Shafi: Is it not an accepted theory, both in England and in India—in fact, in all civilised countries—that the greater mechanisation of the Army must necessarily result in the numbers of troops actually employed being decreased?

Chairman: Well, if you put it this way, that if I were going out in the dark would I prefer to have two chaps with me with sticks, I would prefer a revolver myself; but that does not prove anything, except my wisdom.

Lord Peel: That is no doubt a better answer than I could have given; I will only just remind Sir Muhammad of this, that the process of transition to mechanisation is an extremely expensive one, and a great deal of experiment and a great deal of work has got to be done before you settle on the exact form of mechanisation which it is prudent and wise to adopt.

Sir Samuel Hoare: Mr. Chairman, I have only one or two very short sentences to add to what Lord Peel has said, but I was a member of the Committee of Imperial Defence for seven years, which is a long time, and I was head of the Air Force for seven years, which is also a long time for a connection with a Service Department. That experience leads me to say two things. I would say first of all to my friends from India, whatever you do in this matter of Indianisation, keep the Army free of politics. I agree with you that we should proceed with the Indianisation upon the

general lines set out in the first of these resolutions, but I do say, and say it most sincerely, having had a unique experience, perhaps, in starting what was a new fighting service for peace-time purposes—because you will remember that the Air Force was only created during the war, and that in the years immediately after the war, when I was at the Air Ministry we had to build from the very beginning—whatever you do, do keep these Army questions as free as you can from politics. If you once let politics influence you in dealing with such a question as Indianisation I am very much afraid that you will do irreparable damage to what is really one of the most sensitive of all machines—namely, a fighting machine that depends above all things upon *esprit de corps* and a feeling of mutual trust between officers and men in the various units. That is my first word, I will not say of warning, but word of advice to you. I would say, secondly, that when you come to start your Indian Sandhurst, keep up above all things the efficiency of the training. I should be very sorry to see a lower standard adopted for the training of officers in the Indian Sandhurst than the standard adopted in the British Sandhurst.

Dr. Moonje: We shall have the same standard of efficiency.

Sir Samuel Hoare: I am delighted to hear Dr. Moonje say that. You will pardon me, I am sure, for making these observations, because I had a unique experience of these questions after the war, and it is particularly necessary in connection with the arm with which I was connected—namely the Air Force. It is very wrong to assume that you can train a pilot in a few weeks or a few months, and make him an efficient Air Force officer. It needs a highly specialised training, and I believe that when you come to go into the details you will find it practically very difficult to add to your Indian Sandhurst a small Department for the training of Indian Air Force officers. I believe you will have to adopt other expedients for it. I do not now dogmatise, because they are practical questions and they can only be dealt with in a practical way; but, as Dr. Moonje has just said, keep up your standard of training.

Thirdly, as to the question of economy mentioned in the last of these resolutions—a question which I know is of intense interest to India, as indeed it is of intense interest to us here as well—there again I say, whatever you do, do not press it too far, do not break your military machine in trying to cut down expenditure too quickly; and if your experience in India is in any way like my experience here, the danger is not from the military authorities in opposing their will upon the civilians, but quite the contrary—the civilians imposing their economies, regardless of military considerations, upon the military. Now, Gentlemen, if your experience in India is the same as mine, that is a danger that you have got to have in view.

Let me, lastly, assure you that the last thing in the world we wish to do here is to inflate the number of British troops in India, and to keep more than are actually required. From the point of

view of Great Britain, whatever may be the actual amount of the capitation charges in India, the existence of these many units in India does, in various ways, direct and indirect, place a very heavy financial obligation on the British tax-payer. Neither in the past have we had, nor now have we the least intention of using the excuse of the defence of India for keeping in being more battalions or more Air Force units than are actually required." Having said that, Mr. Chairman, let me end by saying that I see no reason why we should not agree unanimously to these resolutions and I hope that as a result of that certain things that India, I know, has required for many years will be carried into effect at no distant date.

Mr. Jinnah: Did I understand Sir Samuel Hoare to say that he agreed with the resolutions?

Sir Samuel Hoare: Yes, I am prepared to accept these resolutions.

Col. Haksar: In paragraph 2 (b) you have said, "a training college in India be established at the earliest possible moment in order to train candidates for commissions in all arms of the Indian defence services. This college would also train prospective officers of the Indian State Forces." I would suggest for your consideration that while on this subject, and in consequence of the reference made in sub-paragraph (b) to the Indian States, our recommendation should be that the officers of the Indian States would also be eligible for training at the staff college in Quetta.

Chairman: Well, that is a question of wording. The object of this was to cover, quite clearly and specifically, the question put from the States on Friday: did the Indian Sandhurst, as we call it, include an opportunity for the States? The answer was "Yes," and that was merely to cover that. You need not worry about it.

H.H. The Maharaja of Bikaner: I wish to add another small point, and to say that the States' subjects will be eligible to go to the Indian Sandhurst. I think it is so in the case of the English Sandhurst already.

Chairman: That is so, that is the intention.

H.H. The Maharaja of Bikaner: I have also another verbal suggestion in paragraph (2) (c), where we speak of an expert Committee, both British and Indian. I wish to suggest that it should include, after the words "British and Indian", "including representatives of the Indian States", because we have already made it clear in the Sankey Committee that the States wish to have the same voice in defence and military affairs as the Federal Army in British India.

Lord Reading: I think it covers it as it is.

Chairman: I think it covers it.

H.H. The Maharaja of Bikaner: I only wanted to make it clear, that is all.

Chairman: Quite so.

Mr. Jayakar: Like some of the previous speakers, I also admire the brevity of the formula which you have proposed for the consideration of the Committee. Speaking for myself, I should have preferred—though recognising the inability of this Committee, not being an expert Committee, to go into details—I should have preferred like Mr. Jinnah, who spoke on the previous occasion, that this Committee, without touching any details, should give a direction to the expert committee as regards important principles, including, *inter alia*, the rate or the pace of Indianisation. But if it is the view of the Committee that we should arrive at some unanimous conclusions, I recognise the wisdom of being content with 14 annas instead of 16, and if that is the wish of the Committee I would not like to go against the united wishes of this Committee. In that case may I submit one consideration for the approval of this Committee—namely, that when you refer to certain investigations, for instance in clause 2 (b) and in clause 3, I am anxious that all the pioneer work that has been done in the matter of such investigations by previous committees appointed by the Government of India, and on which military experts have sat, and which have had the benefit of all the important consideration at the hands of these experts—I am anxious to link up the work of these previous committees in the matter of the two investigations mentioned in clause 2 (b) and in clause 3. I recognise, as Lord Reading has pointed out, that he may not like to take the recommendations of these two previous committees the basis. He objects to the word “basis” there. May I suggest another formula which may be added as an additional paragraph—namely, that in making the investigations mentioned in clause 2 (b) and in clause 3 above, the fullest consideration be accorded to the proposals contained in the Government of India Committee’s scheme of 1922 for the Indianisation of the officer ranks, and in the scheme recommended by the Military Preparations Committee of the Government of India. I am anxious that all this work—

Sir Muhammad Shafi: The Military Requirements Committee.

Mr. Jayakar: The Military Requirements Committee, yes. I shall be quite frank. I am anxious that all the great work which has been done during Lord Reading’s time by the two committees, on which military experts sat, including the Commander-in-Chief, should be linked up with the work of the Expert Committee, and therefore I desire that this paragraph be added so as to bring that work into line with the work of the expert committee.

Sir S. Hoare: I find some difficulty in isolating one or two Reports. These are two very valuable Reports I quite agree; but looking back over even my own memory I can remember heaps of enquiries into various phases of Indian defence, and I cannot imagine any Committee of this kind being set up that did not take into account these various Reports. I do see objections to picking out one or two of them and trying to say that the other ones are less worthy of consideration.

Chairman: I had that point in my mind with special reference to the two Reports which were mentioned; but you will observe that during the discussion certain members of the Committee went back, if I may use that phrase so as not to be misunderstood, on a later Report to the recommendations of an earlier Report which clearly showed that there were not only differences of opinion but that experience changes the situation. I thought I would put the words in a much wider sense, but what I thought at the end was this, as practical people not only will this recommendation but the notes of our discussion be given to any Committee. Whatever the Committee may be commonsense tells us that before they start they will look at all the Reports.

Lord Peel: Of course.

Chairman: I cannot conceive of any gentleman here being asked to sit on a Committee to investigate this matter without him enquiring in the same way as I did. I was a novice, and when they asked me to take the Chairmanship of this Committee, I said, "Knowing nothing about it show me everything that has been written on it recently." Is not that what will happen?

Sir M. Shafi: Which later Report had you in contemplation when you were pleased to make the remark just now about going back upon previous views.

Chairman: The words I had in mind were that the Committee should be urged to take note of the various Reports on this subject.

Sir M. Shafi: I see.

Chairman: I did not exclude any.

Sir M. Shafi: With reference to the remark that you made just now—

Chairman: I know your point.

Sir M. Shafi: You said they went back on previous views.

Chairman: I did not say they went back, but that some preferred the Report of 1922. That is what I meant to say.

Sir M. Shafi: May I point out so far as the later Report is concerned the only Report that probably you had in contemplation was the Skeen Committee's Report. That was later.

Chairman: Yes.

Sir M. Shafi: But the 1922 Report was never placed before the Skeen Committee at all, and therefore you cannot say that the Skeen Committee arrived at conclusions different from those of the previous Committee after carefully considering them. In fact the previous Report was never placed before the Skeen Committee.

Mr. Jayakar: Replying to the point made by Sir Samuel Hoare, I quite agree with what has been said about an expert Committee being appointed to consider all the material which has been traversed on previous occasions, but the answer to that has been given by Sir M. Shafi, that before the Skeen Committee the Report of the 1922 Committee was never tendered although it is a most

material document. In that connection that Committee had never the chance of looking into it. I am therefore anxious that special attention should be drawn to those two important Reports because they are really very relevant and very material on the question which these two expert Committees would be considering.

The next and last point which I wish to make, and which is merely a matter of drafting, is the difference in language between 2 (c) and 3. Both deal with an expert Committee and a subsequent investigation. The language which you have employed in 2 (c) is, "That in order to avoid delay the Government of India be instructed to set up a Committee of experts, both British and Indian, to work out the details of the establishment of such a College." Compare that with the language in (3). "The Committee also recognise the great importance attached by Indian thought to the reduction of the number of British troops in India to the lowest possible figure and consider that the question should form the subject of early expert investigation." My apprehension is that whatever our intentions here may be that when this document is given effect to, especially in the atmosphere of India, some kind of shelter will be taken under the different phraseology of 2 (c) and (3), and whereas the investigation recommended in 2 (c) will be immediately taken in hand the investigation recommended in (3) may not be taken in hand for another five, six, or a number of years, and for that the difference in phraseology may be held responsible. I am therefore suggesting, Sir, that the phraseology of (3) might be altered. I quite recognise that the urgency of 2 (c) is more than the urgency of (3); I am not blind to that; but I am very anxious that we should do nothing here to encourage the belief in India especially that the enquiry mentioned in (3) is to be held up for any length of time as opposed to the enquiry recommended in 2 (c) which is to be taken up immediately.

Sir M. Shafi: Might I suggest a slight modification of the formula proposed by you, Sir?

Chairman: Shall we settle this one point first?

Sir M. Shafi: It is in connection with this very point. If you add after the comma including those two my friend has mentioned in his Report I think that will serve his purpose and my purpose also.

Mr. Jayakar: No.

Sir M. Shafi: Will you read your formula again?

Chairman: Let Mr. Jayakar finish as he has one other point to submit.

Mr. Jayakar: Therefore I am suggesting without insisting too much on the language that this possibility should be obviated in so far as the difference of language would cause it, and I therefore suggest that changes might be made in (3) so as to correct the impression that it is not our intention to hold up the enquiry for a long time.

Chairman: I can answer that. If we can find words with which to do it we certainly will. We have no intention whatever of using words that can be construed in a different way on this subject. The urgency of the subject is recognised, and certainly it is not the intention to merely camouflage it by different words. I will give you that assurance. I feel I am interpreting the wishes of the Committee. You know the effort we are making to conclude matters this week. I hoped to conclude the meetings of this Committee to-night but I have had an addition, I will not call it an amendment, submitted to me. Is there general agreement on this amendment? I have it on paper and I will read it to you.

The amendment reads as follows. I want everyone to know what it is: "The Committee also recognise that no action should be taken so as to prejudice in any way the power of the Crown to fulfil the military obligations undertaken by it in any Treaty it may have entered into with any particular Indian State." It is suggested not by way of an amendment but merely that that should be an addition to any Report. That is your object I take it, Sir Akbar Hydari.

Sir Akbar Hydari: Yes.

Chairman: I draw your attention to that.

Sir T. Saprú: That obligation does not become wider by being in statement of that character.

Mr. Jinnah: This cannot be taken as an amendment.

Chairman: I have already said it is not an amendment. It could be taken as an addition to the Report.

Mr. Jinnah: I say "No".

Chairman: You may say "No", but that does not preclude me from saying "Yes".

Mr. Jinnah: No.

Chairman: If this Committee felt—

Mr. Jinnah: You were asking my opinion.

Chairman: I am giving you mine so that there shall be no misunderstanding. I have already said that, in my judgment what is contained in this is taken for granted. If this Committee felt—

Mr. Jinnah: You are asking my opinion.

Chairman: Will you let the Chairman finish? I said if the Committee so desired and felt that they liked any such addition as that I would not object to it.

Mr. Jinnah: That is exactly what I was saying. I do not object to your statement. It goes without saying that you have to fulfil your Treaty obligations. No man can ask you not to do so, but the question with which I am concerned, is this, why should this form part of our Report? I object to that.

Sir T. Saprú: I should like to make a very few observations. Like Mr. Jayakar and other of our friends who have spoken this

afternoon, I should also like to express my satisfaction with the manner in which the resolutions have been drafted. I am particularly satisfied with the opening portion, and I would particularly invite the attention of the Committee to the words, "The sub-Committee consider that with the development of the new political structure in India——"

Those words seem to me to be the essence of the whole matter. Let me tell you frankly that whenever the question of the Indianisation of the Army, or any question relating to the defence of India, has arisen in the past the objective of India has never been kept in view. This to my mind is a very satisfactory departure from the old lines on which the question of defence has been considered and discussed. I served on some of the Committees which were appointed by Lord Reading, and although I am free to confess that the recommendations of those Committees, so far as Indianisation was concerned seemed to me to be far more drastic than the recommendations of the later Committee, still I would say that at the time when we were sitting on those Committees there was no question of such a political structure as we have been trying to evolve here. For that reason I attach a great deal of importance to the language of this resolution.

Now, I quite recognise that these questions of a military character cannot be disposed of by a Committee like this, but I do not think that the terms of your resolution, Sir, as they stand preclude us from raising any one of these questions before a Committee of experts, nor do I think shall we be precluded from inviting them to express their opinion on those questions.

I am particularly satisfied with clause (a) which expressly states, "That immediate steps be taken to increase the rate of Indianisation in the Indian Army." Again you come to very important words, "to make it commensurate with the main object in view, having regard to all relevant considerations such as the maintenance of the requisite standard of efficiency."

As regards clause (2) (b) I have nothing to suggest, except that I think the language is comprehensive enough.

As regards clause (3) what I would say is this that the question of the reduction of the number of British troops in India was considered by the Committee appointed in Lord Reading's time.

I quite agree with Mr. Jayakar that when these Expert Committees do sit their attention should be drawn to the reports which were submitted to Lord Reading's government by the Committees appointed by him. I used the word "basis" in the question I put to Lord Reading, but if his Lordship objects to that I would at any rate say that I would emphatically draw their attention to those reports, because those reports suggest a line of progress which to my mind has been ignored in the subsequent treatment of the question. I would not fight about words, but I do certainly hope and trust that the broad policy which was kept in

view by the framers of these reports will be kept in view by the Expert Committee, and in the light of the new political structure in India which we are building up, and which was not in contemplation at that time, I hope the attitude of these Expert Committees will be even more progressive than that of the committees of 1921 and 1922.

As to the exact number of British troops, or their reduction at this particular moment or any particular moment, these are questions which require to be considered by an Expert Committee, but I venture to think questions of this character will come up for periodic revision and consideration every five or ten years, according to the circumstances existing at the time.

Speaking for myself, subject to the understanding that all these questions shall be taken up and discussed before the Expert Committee, I am prepared generally to give my support to these resolutions.

Dr. Moonje: Sir, I entirely agree with what Sir Samuel Hoare has said with regard to keeping the Army entirely free from politics and with regard to the need for efficiency. I agree from that point of view, but I take exception to the language used in (a) of these resolutions. This says: "That immediate steps be taken to increase the rate of Indianisation in the Indian Army." I believe that does not carry us any further. To-day we may have twenty or twenty-two vacancies allotted to us at Sandhurst. If these vacancies were increased to twenty-five or thirty, it might be said that effect had been given to the resolution as it is here, but that would not carry us any further. What I say is this. If we are really going to make India responsible for her own defence, along with taking a due share in the defence of the Empire, as the other Dominions are expected to do, where is the harm in taking them if a sufficient number of Indians are available for the commissioned ranks of the Army? Why should they be precluded from having the training or from being recruited for the Army? If India cannot produce a sufficient number of men the recruitment may be made in Britain, but if India can produce a sufficient number of men who can pass all the tests for efficiency which can be produced, why should the number be limited and why should not they be given a chance of serving their country in the Army?

I think, therefore, that the wording of (a) should be changed to read: "That immediate steps be taken to arrange for all recruitment henceforth for the commissioned ranks of the Army, Navy and Air Force to be made in India from amongst Indians, provided that it shall be open to the Government of India to provide for recruitment in England to fill up such of the vacancies as cannot be filled up in India, and that due regard should always be had to the relevant considerations such as the maintenance of the requisite standard of efficiency."

Lord Peel: I do not know whether this amendment is going to be pressed, for if so I shall have a good deal to say upon it, and I

trust the other one will not be, for I am bound to say that, with all respect to Sir Muhammad Shafi, I do not think his amendment is really necessary either, because all these Commissions always look back to past reports, and the whole matter is brought before them.

But when I said that I agreed generally to this Report, I did so because I did not want to spend the time of the sub-Committee in bringing forward amendments; but, if other amendments are brought in, I must withdraw that assent, and I shall myself ask and claim from the Chairman the right at a later stage to move several amendments. I do not want to do that, however, if it can be avoided.

Sir Samuel Hoare: Dr. Moonje has brought forward a totally new proposition, prejudging all the problems which are to be examined by Expert Committees. I do not want to go into his proposal now, because I do not know, Mr. Chairman, what your ruling will be; but if it is gone into I shall most respectfully ask to have the right of dealing fully with amendments which are raised.

Dr. Moonje: Lord Peel objects on the ground that this is a totally new proposition, but it is not a new proposition. On the very first day I brought this question to the notice of the President, and the President was kind enough to bring the matter to the notice of the whole house. It does not require any Expert Committee to pass an opinion on whether, if efficient Indians are available, they should be given the training or not. I do not think expert advice is wanted to decide that, and I would only add this. Do not put any kind of artificial restriction to the recruitment of efficient Indians for service in their Army. That is the only question I want to put. If efficient Indians are not available, I am not going to say inefficient Indians should be taken, but where is the need for expert advice in this matter?

Sir Samuel Hoare: I ask Dr. Moonje not to press his amendment, but if he is going to press it I shall have to give him an answer which will have nothing to do with politics at all but which will show that his proposal cannot be worked. I do not want to go into that in detail if it can be avoided.

Dr. Moonje: I have not heard any objection to my proposal except the one Lord Peel has advanced, and I do not think my proposal is one on which any expert advice is required. It only says that if efficient Indians are available they should not be precluded from serving in their Army. If efficient Indians are not available, it is not my intention to say that the standard of efficiency should be lowered or inefficient candidates taken. I therefore think I should press for this amendment, namely, that we should amend paragraph (a) to read: "That immediate steps be taken to arrange for all recruitment henceforth for the commissioned ranks of the Army, Navy and Air Force to be made in India from amongst Indians, provided that it shall be open to the Government of India to provide for recruitment in England to fill up such of the vacan-

cies as cannot be filled up in India, and that due regard should always be had to the relevant considerations such as the maintenance of the requisite standard of efficiency."

H.H. The Maharaja of Bikaner: I am very sorry, Mr. Chairman, to have to ask to speak at this stage, but I have to see the Prime Minister on a rather important matter in twenty minutes' time, and I thought that as I was going away it might help to cut short some of the discussion if I made a little statement presenting my views, which I believe will not be very different from the views of many of the States. I am speaking with particular reference to the point which has been discussed here to some extent to-day and more particularly earlier in our proceedings, with regard to the fact that the States have their Treaties with the British Government. The British Government's guarantee of protection for our principalities is a fact which is well known to everybody. In addition, as I think Lord Reading pointed out, there are some States which have specific guarantees from the British Government to maintain, in consideration of areas ceded or other considerations, certain contingents of troops, British or Indian as the case may be—I am not well acquainted with the details—for the protection of those States.

Those questions are there, and I can quite understand the anxiety of those particular States in that connection. Nor can anyone wonder at the very natural desire of the States to see that the protection, and especially the protection from external and internal dangers of aggression guaranteed by the Treaties, should be really effective even after federation.

Therefore, as we have repeatedly urged in other committees such as the Federal Structure sub-Committee, the States must be perfectly satisfied that they are safe and that they will have every guarantee of immunity from danger in the future; but to my mind the question does not necessarily hinge upon the maintenance of an exact number of British troops or on their being maintained permanently for this specific purpose, so long as the guarantee of protection can be fulfilled.

"I wish particularly to say on this occasion—and I think Sir Akbar Hydari will probably be of the same opinion as myself—that we are not putting forward a view which has been put forward by Sir Leslie Scott. We are very grateful to Sir Leslie Scott for the great efforts he made in putting forward the case of the States before the Butler Committee, but Sir Leslie, in his own personal capacity and in no way on instructions from us and at our desire, put forward the suggestion that British troops could never be withdrawn or Dominion Status granted because of the Treaties with the States. That is a view to which I personally and many others of us do not subscribe; we do not subscribe to that view because we do not want to stand in the way of the advance of our country, which is our Motherland, in regard to these matters. I for one decline to believe that it will be beyond the statesmanship of Great Britain and our ingenuity, combined with the goodwill of British

India and the States, to settle this question, and I feel sure that we shall be capable of devising some scheme which will provide satisfactory and adequate guarantees for the States. Meanwhile as federation progresses and as we see how it is working, it is possible that the States and British India and the Crown may come to some arrangement by which satisfactory guarantees to the States could be given.

As I have to leave in two minutes' time, and as I hope the sub-Committee will finish its Report to-day, I should like to point out that as in other cases so in the Military Council the States will naturally claim their fair share; they will want to have a voice in the management of whatever affairs come under the purview of Federal India. As a keen soldier I should like to say that in addition to the training to be imparted at the Indian Sandhurst, which we hope will be set up very soon, I, in common with many of my brother Princes who are soldiers, attach the greatest importance to the education, training, fitness and efficiency of our cadets.

Finally, if I may be permitted to express my personal view, it is that Indianisation is overdue. That view, I think, is shared by us on this side, and personally I think the Eight Units scheme, however necessary it was to start with, is a scheme which on the face of it has so many demerits that I need not go into details. I hope that when effect is given to Indianisation it will be real Indianisation in the proper sense of the term.

Chairman: There are one or two observations which I should like to make. I cannot rule that I will not accept amendments, because that would be an arbitrary decision that could not be justified, whatever one's views may be: but there are certain things I would ask you to remember.

This is not an unimportant sub-Committee, and the decisions at which we arrive and the recommendations that we make are not only important to India, but are, I believe, looked forward to with more than ordinary interest in India, and they will be looked forward to as what I would call a measure of our sincerity, and that is the test of the whole thing.

First of all, I should like to say this to Dr. Moonje, and I say it as one who has had many years' experience in negotiations. I am indifferent to the wording of a resolution. I have conducted negotiations where, the more it looked as if I was gaining something, from the spirit in which these things were offered me I knew I was losing. I attach infinitely more importance to the spirit behind the declaration than to anything else. That is the first point I want to make. In drawing attention to that fact I want to emphasise that I did not wait for the discussion before clearly declaring, on behalf of the Government, our views, and in doing that I had in mind quite clearly what I said before—the spirit behind the declaration. There is another thing to which I want to draw your attention, and it is this. Above all, in an important subject

like the one we are discussing, you ought to strive to go to the main Plenary Session with a unanimous recommendation. If you do that you gain two things. You not only help your own position at home—and in helping your position you are helping ours; let us keep that clearly in mind—but the very unanimity of your decision is the best guarantee that whatever committee is set up, or whoever they are, they have got something clear and definite and specific to act upon, whereas if you have a division, and if there are amendments either from one side or the other, the inevitable result of it will be that sides will be taken; and we want to avoid sides being taken. We do not want the Committee that talks about Indianisation to be either pro-British or pro-Indian. We want them to go into the question realising that Indianisation is something practical and something that can be accomplished if there is a spirit and intention behind it; but in doing that we do not want them to go into that question and merely assume that they are serving India by making a declaration that so many more Indian officers should be in the Army if they have done anything that impairs the efficiency of the Indian Army, because that would have retarded Indianisation and not helped it; and that is why I welcome the declaration that when you talk of a Sandhurst in India we are talking about a standard of training in India to be equal to the standard of training in this country. That is the second point.

Now, the only difference really is this. First, there is a suggestion that if we put in the words, sort of giving an indication or an instruction, or whatever it may be, that these particular reports should be examined, you may help it. But do you help it when you accomplish the same thing by drawing attention to it in the Report that will be drafted? I myself will take the responsibility of drafting that Report, and I will draw attention to all the schemes that were mentioned here. I will draw attention to them as being legitimate matters that were discussed by the Committee, and therefore I would beg of you to consider if you could help me now to have a unanimous decision. You have heard the decision of the Princes, you have heard the decision of Lord Reading, you have heard the decision of Lord Peel and Sir Samuel Hoare. If added to that there goes forth a unanimous declaration, that does two things: not only does it accomplish your object, but it enables us to say to the meanest critic, "The practical side of it is safeguarded, because we have not given preference to a mere principle or a declaration to the real efficiency that is fundamental to it." As I say, I cannot rule out your amendments, Dr. Moonje, neither can I rule out yours, Lord Peel; I shall be compelled to accept them if they are pressed; but I would say that I do not think either side would gain anything by pressing their amendments comparable to what they would gain by a unanimous decision. I solemnly tell you, never mind what the words say, the spirit behind these words is a genuine attempt to solve this question. That is the appeal I would make.

Dr. Moonje: I am very pleased and I am very glad to assure you that you have my fullest sympathy for the principle that you have enunciated. I am quite willing to co-operate with you and to bring about the thing which you desire; and what is the thing that you desire to bring about? It is that it should create an anticipation in India, it should create a feeling in India that something really tangible is being done here. If that is the desire I have great pleasure in co-operating with you and responding to your appeal. Now, look at it from the practical point of view. Supposing these resolutions go before the people of India, how will they look at it? There are only a few people from India present in this Conference, and the people in India will not be feeling the intangible spirit that animates us all here; they will read this resolution in cold print, and what will they find? They will find it this way—to increase the rate of Indianisation. Then when I go back to India I shall be asked, “What have you brought, Dr. Moonje, about the Army?” “An increase in the rate of Indianisation.” “Yes, but the Skeen Committee has also proposed an increase in the rate of Indianisation. They have proposed that each year four men from Sandhurst should be taken; and supposing four or five are taken, we know our Government of India as what they are, and therefore,” they will say, “you have brought us this thing; this is nothing new.”

Sir Tej Bahadur Sapru: But you have got the words, “to make it commensurate with the main object in view.”

Chairman: I am sorry to interrupt, Dr. Moonje. I was going to draw attention to that, but do let us talk for a moment about the critic in India. If the Lord Himself went back to India from this Conference He would have a rough time, and you will be no exception to that general rule; but, on the other hand, your words would be criticised just as much as these words. But there are declarations in this document that you have never had in a Report before and do let me emphasise this, that the only limit I put on you is the practical one, and the practical one is as much in your interests at it is in ours; and that is all I would say.

Dr. Moonje: Excepting, perhaps, that the training college should be established at the earliest possible moment, nothing tangible seems to have been done here.

Raja Sher Muhammad Khan: You can say that Indian officers will be in all arms.

Dr. Moonje: If you have not understood yet what I want, I will make it perfectly clear in this way. If India can produce all the men efficient and fit to be recruited into the army—

Chairman: And this will give them the chance. This is the very thing that will do it.

Mr. Jadhav: As a matter of fact, I would point out that the college cannot be had with a few students there, and that the object which Dr. Moonje has in view is provided for.

Dr. Moonje: No, no. 'Our college that has been recommended is to start in 1933 and our yearly recruitment is about 160. If India can produce 160 Indians capable and fit, and considered fit after examination, why should not all the 160 people be recruited in India? That is my point.

Chairman: Dr. Moonje, may I make this appeal to you? You are talking as an Indian—I had intended to finish to-night, but if not we shall have to go to the amendments. I want to put this as a fair proposition to Dr. Moonje. Supposing that all you say is correct—I do not think it is, but supposing it is—and you table your amendments, I have got an intimation of further amendments from this side, and I have also got a fair body of support for the original proposition. Now, do you then, Dr. Moonje, accomplish the object you have in view by a Report going from this body which will then be tantamount to three Reports? It will be so many for one amendment, so many for another, and so many for the other. Do not you, by that means, defeat the very object you have in view?

Mr. Jinnah: May I just say this, Sir. I appreciate the draft which you have placed before us, and I think it forms a very good basis. Now, I do not want to go into outside matters, but the only point that has not been brought out in this draft is the basis of the rate of acceleration, the increasing rate. It has not been brought out. Now, is it not possible for us to appeal to our friends there, the representatives of the British delegations, and cannot we put our heads together so that we can express that idea in your draft? The idea is this. We have got this pace defined by the Skeen Committee—we all know that—and that pace is half the cadre in 25 years, and a certain number of Indian recruits every year increasing. We have also got the other scheme, which of course was not before us. The honourable members, who were members of the Government of India, probably are not liable to be prosecuted under the Official Secrets Act, but they have mentioned the matter here and we have come across it. To tell you very frankly I have not yet been able to understand that scheme from the memorandum.

Sir Muhammad Shafi: Because the scheme is not before you.

Mr. Jinnah: The scheme is not before us, it is only the short memorandum that is given; and the first thing that I do not understand is this—that that scheme contemplates the Indianisation of 6,000 officers. I do not know whether you have noticed that. Well, there are not 6,000 officers in the Indian Army proper, unless they meant both the British troops as well as the Indian Army proper, so I do not know how they get the 6,000. But the scheme is not yet before us, and I do not know what that scheme is, but whatever that scheme may be I do appeal to the British delegations that we must express our idea that this time it means business, that the acceleration will be a real one—that is to say, it will be much more than the Skeen Committee's recommendations. Now, that is the idea that I want to bring out. In what language, in

what words—that is a matter as to which probably, if you give us time, we may be able to fit it in, but that is the idea, and unless you bring that idea in and if you go and appoint *de novo* another expert committee, we shall go on again. The Skeen Committee worked for 14 months and examined something like 400 to 500 witnesses in India on all these points. It means starting this thing over again, a controversy which will go on; and I want to point out this to you. I attach the greatest importance to any decision which is arrived at unanimously—I do, very great importance—and I did attach so much importance to it that notwithstanding my very strong opinion in the Skeen Committee I was so anxious for unanimity that I agreed to that scheme of 25 years subject to the revision after 10 years.

What was the result of that unanimity? We made the Report in 1926, and the Government of India and, if I may say so, the British Government, have not up to the time we met in this Committee accepted the main recommendations of that Committee unanimously. Now you are appealing to me in the same way. You say: let us be unanimous. I attach importance to it. You say: when your expert Committee is sitting the whole question will be left open, and if this Committee is going to make any valuable contribution to a political principle you must Indianise the officer rank in the Indian Army as quickly as possible. Then give an indication of the case in some language which will definitely lay down that we mean that.

Chairman: I know you admire frankness because I am always frank. I do not want to cover up my feelings in any way. If I thought that what you have said reflected the general view of all those attending this Round Table Conference I should despair of the result. What I mean is this, that if you are going to base any conclusions arrived at at this Conference on any past experience of sins of omission or commission then it is hopeless. But I do not think that is so. My answer is that any Committee going into this question with these broad, general declarations so clearly and definitely made would be compelled to arrive at decisions as speedily as if you said either the Skeen Report or any other—

Mr. Jinnah: I am not referring to that. I say this declaration is not a clear indication as to the pace, and I want some words so definite that it will convey to your expert Committee that that was the intention of this Conference. It is not there present. I have no doubt everything will be all right.

Chairman: I feel sure, Mr. Jinnah, that if you were in many other capacities you would say now what I am going to say, that if there was a technical matter which I knew other folks were better able to judge than I, I would only be showing myself as a foolish man by giving instructions to people who knew more about it than I did, always providing they had to give effect to the principle.

Mr. Jinnah: There is nothing technical about this at all.

Chairman: Oh, but there is.

Mr. Jinnah: No, I beg your pardon; that is where I fundamentally differ. There is nothing technical about this question upon which I am now addressing you. It is a very simple question really.

Chairman: It is both technical and practical.

Mr. Jinnah: No; do not let us get away from the point. It is neither a technical nor a difficult question; it is a practical question.

Dr. Moonje: Quite right.

Mr. Jinnah: It is a very practical question. As Counsel would say to a jury you should give expression to your opinion on that point, and that point is a very simple one. We have, according to your own statement to-day, one hundred and twenty vacancies per year. The Skeen Committee's Report is that we start with twenty vacancies for Indians and gradually go up, and according to that graduated scale it will take twenty-five years to get half the cadre. Now, we hope to get the full cadre as quickly as possible. You should give some expression of opinion which will convey to every man in India, and I entirely endorse the opinion of Dr. Moonje with regard to what he said about India, I am not disputing your *bonâ fides*, sir, or your sincerity; I do not challenge a single word of what you intend to do. You may intend to do a thing, but express it so that India will know here that we have got something in clear language. I would appeal to my friends there to turn it over in their minds. Let us also think it over. Cannot we find some formula which will convey that idea? Surely we can.

Sir Samuel Hoare: We have the formula in paragraph (a), that immediately steps be taken to increase the rate of Indianisation in the Indian Army to make it commensurate with the main object in view. I am prepared to agree to that.

Mr. Jinnah: To increase the rate?

Sir Samuel Hoare: But when it comes to defining what the rate is to be, I am not prepared to agree.

Mr. Jinnah: The present rate is that we have twenty vacancies.

Sir Samuel Hoare: I know that.

Mr. Jinnah: It is open to a Committee to say it is enough to say thirty.

Sir Samuel Hoare: I am not prepared myself to agree to any number. If it is a question of this Committee stating any number then I should have to notify my dissent.

Mr. Jinnah: You did not hear me. I am not saying you should lay down the number. I say if you leave it to a Committee with these words, "increase the rate," the Committee may for their own reasons come to the conclusion that thirty is an increase, or thirty-

five is an increase, or forty is an increase. What I want to emphasise is that it must be conveyed to them that there should be a substantial increase.

Chairman: I will undertake to clear that up if that is what you have in mind, because I come back to the point that if words are merely used to camouflage, do not let us bother about it. They are not so used. I will endeavour in the Report leading up to this to state fairly and accurately the discussion that has taken place here. I would again urge upon you for the last time the advantage of having unanimity, because it has been pointed out that this is a matter for the experts.

I understand it is not customary to take a vote. May I take your assent to these resolutions which will form the basis of a Report?

Mr. Jayakar: Before I give my vote, do I understand you to say that the points which I raised will be incorporated in the Report very clearly so that I need not move, as I did in my speech, that there should be a further addition after clause (3) that the two Committees in making the investigations mentioned in paragraphs (2) (c) and (3) should give the fullest consideration to the proposals contained in those two schemes. I wanted to move that as an addition to clause (3), but if it is your suggestion that in your Report you will make this perfectly clear—

Chairman: I said quite clearly that there is no intention to alter the meaning.

Sir Samuel Hoare: Do I understand you are going to give an historical account as a preface to these resolutions?

Chairman: But make these the findings.

Sir Samuel Hoare: Yes. If you do that by all means put in Mr. Jinnah's and Mr. Jayakar's point and anyone else's points, as you think it, but also put in our point that we do not agree.

Chairman: Exactly; but you see now where you get. I will undertake to give a fair summary pointing out that references were made to these various Reports, but I do submit it is not going to help us if we have to put the points of disagreement when there is almost unanimity existing. But still, I am in your hands. Do you agree then to these general resolutions?

Mr. Jinnah: I cannot agree.

Chairman: I understand that even the Princes thought that the addition was unnecessary.

Sir Akbar Hydari: No.

Sir Samuel Hoare: If the addition was put into the historical—

Chairman: I will meet your point by a reference to it.

Sir Akbar Hydari: Supposing you added here, "for the requisite standard of efficiency".

Sir Samuel Hoare: I agree entirely with what you say, but I am a little bit reluctant to opening the question of altering the actual resolutions.

Sir Akbar Hydari: I do not mind the way in which it is done.

Chairman: We will make that quite clear.

Sir Tej Bahadur Sapru: I think Sir Akbar Hydari has some fears about the obligations of the Crown towards the States. I do not think we were unmindful of that. I do not think there are any obligations in whatever we are settling here.

Chairman: That is so, I will see that it is quite clear.

Sir Samuel Hoare: I suggest you should say Sir Akbar Hydari raised the point and other members of the Committee accepted this as a question that did not need discussion.

Chairman: I will put it higher than that, that it was raised and I ruled that it was accepted without question.

Sir Akbar Hydari: Thank you.

H.H. The Nawab of Bhopal: I should like to make one suggestion which might help Sir Akbar Hydari. I should like to propose that when the question of the removal of the British troops is being considered by the Committee, in view of the fact that one of the objects for keeping these troops in India is to carry out the Crown's obligation of giving protection to the Indian States, I think it would not be unfair if the Indian States asked that the same Committee might also examine how far it would be possible and how far it would afford the States the necessary protection if these troops when the time comes are replaced by further additions to the Indian States troops paid for out of the Federal funds but kept under the direct command and control of the States as Federal troops. That might accelerate the pace of Indianisation in the sense in which we are using the word "Indianisation".

Chairman: It might do, but you would start a hornets nest round here.

H.H. The Nawab of Bhopal: I am only making the suggestion; I do not raise the point.

Chairman: I understand that point, but I am afraid it would start the whole controversy over again.

I am trying to see how I can fit it in.

(The sub-Committee adjourned at 6-35 p.m.)

PROCEEDINGS OF THE FOURTH MEETING OF SUB-COMMITTEE NO. VII
(DEFENCE) HELD ON 14TH JANUARY, 1931.

Chairman: You will remember that on the broad principle of the resolution submitted there was no substantial disagreement, but various points were raised. The first point took the form even of

an amendment to safeguard the position of the Treaty obligations of the Indian States. I intimated that my inability to accept that amendment was because that was taken for granted. You will see that all those points are embodied in the Report, and so far as I could accurately interpret what was discussed, I think you will agree that in the Report itself every point is adequately covered. Therefore I am now going to submit to you that this should be the Report which should ultimately be submitted to the full Conference. That is the matter which is now before you.

Diwan Bahadur Ramachandra Rao : In opening the proceedings of the sub-Committee, you mentioned the question of a military council. Is that to be dealt with at all?

Chairman : I did mention it, as you say, but the discussion took a general form; that is to say a wide range, and I gathered that your view—and it must be so in practice—was that there should be a military council. No one could argue against that. Therefore merely to have a discussion that there shall be a military council would be a waste of time. You are quite right and I am accepting that as a general principle. There would be no point in arguing the reasons why there should be a military council. As a matter of fact, I am advised by my Secretary that I had thought of the words “the advisability of establishing a military council including representatives of the Indian States was agreed to”, because there was no disagreement on that and there was no point in arguing something which would be obvious.

Mr. Jinnah : It should be in our Report.

Chairman : Yes, I will see that those words are put in.

Diwan Bahadur Ramachandra Rao : I should like to raise another point, namely, with regard to the future control of the Army in India. Proposals have been made that the Commander-in-Chief should not be in charge of the administration of the Army in the Government of India. Is that a matter to be put in the Report?

Chairman : I understand and appreciate your point, but I want this Report to be a practical Report on a practical subject. The first question that would arise would be with what are we dealing? I intimated, and every one agreed, that the ordinary questions of law and order were not involved because that was accepted as something which was outside our province. Therefore it was agreed that we were dealing with the Defence of India. Now, does not it follow from that that you must have someone responsible? That is obvious; and that someone dealing with defence must be the Commander-in-Chief wherever he may be. Therefore, whilst I have not said anything about it in the Report, for obvious reasons it follows.

Diwan Bahadur Ramachandra Rao : I should like to know whether the Commander-in-Chief would be a Member of the Government of India in charge of the administration of the Army.

Chairman : Then you raise a different question.

Lord Reading: Yes.

Chairman: You raise then what I would call for short a purely constitutional question. I do not prejudice that, I express no comment, but that would hardly be a subject for this Committee.

Sir Tej Bahadur Sapru: This question was discussed in the Sankey Committee, and I pointed out that according to the Despatch of the Government of India which has come to the Secretary of State the Commander-in-Chief should no longer be a member of the Executive Council.

Lord Reading: Surely that is not a matter for this Committee.

Sir Tej Bahadur Sapru: No.

Lord Reading: That is a matter for the Sankey Committee.

Chairman: That is the answer. Now, subject to those intimations and the addition of the words I have suggested, do you agree that this Report shall go forward to the Plenary Session as the recommendation of this Committee?

Lt.-Col. Gidney: Unfortunately I was absent on other Committees when you had your previous meeting. The only point which I desire to raise is this. It seems to me that there is no mention whatever made in this Report of the Navy. At present we have one training ship in India which is answering very well indeed. I think we have nearly 80 boys there and this forms the nucleus of a Mercantile Marine Service, and I think it will eventually be used as the nucleus of a Navy. Might I humbly submit to you the inclusion in your Report of some reference to the need of India training its own Navy, which is really a branch of its defence? I submit for your consideration that that might be considered in this Report too.

Lord Reading: That is already established.

Chairman: I am quite sure we do not want to raise a controversy as to the development of that Branch. That Branch is doing useful work and nothing in our recommendations will interfere with that. When you specifically mention what, after all, is a minor matter so far as the Navy is concerned, you may raise a controversy on that aspect which there is no need to do. At least, that is my feeling about the matter.

Lord Reading: It is already done.

Chairman: Nothing that we have done, or do, or recommend, will interfere with that.

Lt.-Col. Gidney: Does not that come into defence?

Chairman: It is there.

Lt.-Col. Gidney: We have no Navy, no nucleus, or anything.

Chairman: I know; but you know perfectly well that the question of the cost of defence is a very controversial and debatable one, and if you at this stage enter into a controversy as to increasing the cost of defence, I can see a number of folk who would be likely

to take part in the discussion on the other side. Nothing we have done has prejudiced the existing situation.

Lord Reading: Yes, it is just as it was before established.

Chairman: Now, that being so, do you agree that I submit this Report on your behalf to the Committee as a whole?

(Members expressed assent.)

Mr. Jinnah: I only want to make one point. I do not want to take up your time; but with regard to paragraph 4 of the Report, sub-clause 2a, I wish to record my opinion for what it is worth, and I say I am not satisfied with this recommendation unless a clear indication is given as to the pace. As to the rest, I have nothing more to say.

Chairman: I take note of that; but I would not put it so low as you, Mr. Jinnah, when you say it is your opinion "for what it is worth". Your opinion is worth a lot; I take it because it is Mr. Jinnah's opinion. Just as other folk express disagreement on particular points I have noted your particular point. Subject to that are you all agreed?

Mr. Jayakar: May I say one word?

Chairman: Yes.

Mr. Jayakar: With reference to Clause 2a, I should like to find out whether the Committee will agree to add one word: "that immediate steps be taken to increase substantially the rate of Indianisation in the Indian Army to make it commensurate—". I am aware that the words "to make it commensurate" give an indication of the rapidity of pace; but I should like to have some direct statement of that view by the addition, if it is possible to do so by the consent of the whole Committee, after the word "increase" add the word "substantially".

Sir Tej Bahadur Sapru: I support that suggestion made by Mr. Jayakar; that would meet the point of view of many people.

Chairman: It is covered by the other safeguards, but if it meets your particular Indian point of view, I do not think there is any objection.

Lord Reading: I have no objection.

H.H. The Maharaja of Bikaner: I think it ought to be put in.

Chairman: I agree to the addition of the word "substantially".

Mr. Jinnah: I do not withdraw my objection.

Chairman: No, yours is still a substantial objection.

Diwan Bahadur Ramaswami Mudaliyar: I do not know whether it comes within the terms of reference, but we from Madras and other Provinces are very keen that recruitment should be from all classes of India and should not be confined, as it is at present, to classes called the martial classes. You will find that the Report of the Simon Commission has a paragraph on the subject, which

puts forward the point of view of Madras as a whole, official and non-official; they are not satisfied with the treatment accorded to Madras as non-martial classes. I do not know whether it should be considered to be a political matter or as a matter affecting the technique of the Army, but I should like to put that forward.

Chairman: I think your point would be covered by the words "having regard to all relevant considerations" I am quite sure your point would be covered by that, because your point would be relevant to the considerations that would govern the Indianisation of the Army; I think that would be a fair interpretation.

H.H. The Maharaja of Bikaner: And Mr. Mudaliyar's views would be noted too.

Chairman: Obviously; they are on the Minutes. That being so, I want to thank you, gentlemen, and I will endeavour in accordance with your decision to do my best to get this Report through the Committee as a whole. I thank you for your patience and consideration, and I hope I have not worked you too hard.

H.H. The Maharaja of Bikaner: Mr. Chairman, may I draw the attention of yourself and this Committee to some remarks that I made in the Federal Structure Committee to the effect that the troops of the Indian States would be maintained as now. This does not mean any modification of that; and that they would still be available as now, for the service of the King and the defence of the country according to the present scheme. That is all I need say. I want to make that clear.

(The proceedings then terminated.)

Sub-Committee No. VII (Defence).

REPORT PRESENTED AT THE MEETING OF THE COMMITTEE OF THE
WHOLE CONFERENCE HELD ON 16TH JANUARY, 1931.

1. The terms of reference of this sub-Committee were as follows:—

“To consider questions of political principle relating to defence, other than strictly constitutional aspects to be considered under heads 6 (Powers of the Executive) and 12 (Relations with the Crown).”

The following Delegates were selected to serve on the sub-Committee:—

Mr. J. H. Thomas (<i>Chairman</i>).	Sir Tej Bahadur Sapru.
Lord Peel.	Diwan Bahadur M. Ramachandra Rao.
Sir S. Hoare.	Diwan Bahadur Ramaswami Mudaliyar.
Lord Reading.	Sir Phiroze Sethna.
Lord Lothian.	Mr. M. R. Jayakar.
H.H. The Maharaja of Alwar.	Dr. B. S. Moonje.
H.H. The Nawab of Bhopal.	Mr. Jadhav.
H.H. The Maharaja of Bikaner.	Sir B. N. Mitra.
H.H. The Maharaja of Kashmir.	Sardar Sahib Ujjal Singh.
H.H. The Maharaja of Patiala.	Lieut.-Colonel Gidney.
Sir Akbar Hydari.	Sir Hubert Carr.
Sir Mirza Ismail.	Sir Muhammad Shafi.
Colonel Haksar.	Mr. M. A. Jinnah.
The Rt. Hon. Srinivasa Sastri.	Dr. Shafa'at Ahmad Khan.
	Nawab Sir Abdul Qaiyum.
	Raja Sher Muhammad Khan.

2. The sub-Committee met on the 7th, 9th, 12th, and 14th January, 1931, and have authorised me to present this report.

3. The discussion in the sub-Committee centred mainly round the question of Indianisation, and every aspect of this question received thorough attention. It was unanimously agreed that in a matter of such importance as Defence, the utmost care was necessary in expressing opinions, and the sub-Committee as a whole was very anxious not to create the impression that anyone in any way or

to any degree wanted to say anything that could even remotely tend to imperil the safety of the country or to weaken the strength of the Army. It was in view of this general feeling that all sections of the sub-Committee emphasized the importance of maintaining the same standard of efficiency in training as prevails now in England. The sub-Committee also recognised that in dealing with the question of Defence it was not possible to overlook that a factor that must govern all considerations of the subject was the responsibility of the Crown through the Committee of Imperial Defence, which body was ultimately responsible for examining all these problems. It was realised that the responsibility of the Committee of Imperial Defence was not something that was special to India, but was common to the Empire as whole.

Subject to the above matters of agreement, the general discussion regarding Indianisation was on the following lines. The majority of the sub-Committee considered it impossible for practical reasons to lay down any definite rate of Indianisation or anything of a precise character that might in any way embarrass those responsible for Defence and fetter the judgment or the discretion of the military authorities. Those that held this view felt that the principle of the Indianisation of officers of the Indian Army could not be looked upon as merely a question regarding the efficiency of a single officer or group of officers, or even of a single unit or group of units. It was a principle that to the majority appeared to affect the Army as a whole. It was in consequence the view of this large section of the sub-Committee that a highly technical question was involved on which the sub-Committee was not qualified to express an opinion. One section of the sub-Committee, however, was in favour of a strong affirmation to the effect that the complete Indianisation of the officers in the Indian Army should take place within a specified period, subject of course to the requirements of efficiency, and further subject to the provision of suitable candidates for recruitment as officers in India. Those members who were of this opinion held the view that this was not a technical question at all, but involved only practical considerations. The difference in these two views being fundamental, the sub-Committee decided to incorporate these in its report, and the Chairman further undertook that, when, in pursuance of the resolutions of this sub-Committee, expert committees were appointed, those expert committee would as a matter of course take into consideration the proceedings of previous Committees and in particular the proceedings of the Military Requirements Committee of 1921 and the Committee on the Indianisation of the Indian Army of 1922.

4. Subject to the above the sub-Committee arrived at the following definite resolutions:—

(1) The sub-Committee consider that with the development of the new political structure in India, the Defence of India must to an increasing extent be the concern of the Indian people, and not of the British Government alone.

(2) In order to give practical effect to this principle, they recommend—

(a) That immediate steps be taken to increase substantially the rate of Indianisation in the Indian Army to make it commensurate with the main object in view, having regard to all relevant considerations, such as the maintenance of the requisite standard of efficiency. (Mr. Jinnah dissented and desired a clear indication of the pace of Indianisation.)

(b) That in order to give effect to (a) a training college in India be established at the earliest possible moment, in order to train candidates for commissions in all arms of the Indian defence services. This college would also train prospective officers of the Indian States Forces. Indian cadets should, however, continue to be eligible for admission as at present to Sandhurst, Woolwich and Cranwell.

(c) That in order to avoid delay the Government of India be instructed to set up a Committee of Experts, both British and Indian (including representatives of Indian States) to work out the details of the establishment of such a college.

(3) The Committee also recognise the great importance attached by Indian thought to the reduction of the number of British troops in India to the lowest possible figure and consider that the question should form the subject of early expert investigation.

5. A view was expressed that an addition should be made to these resolutions to the effect that the sub-Committee recognised that no action should be taken so as to prejudice in any way the power of the Crown to fulfil military obligations arising out of treaties with particular Indian States. It was ruled, however, and accepted by the sub-Committee that such a specific declaration was unnecessary; the Chairman giving an undertaking that neither this sub-Committee nor any other Committee could in any way abrogate treaty obligations and engagements that were in operation.

6. In agreeing to the foregoing recommendations the sub-Committee were unanimous in their view that the declaration must not be taken as a mere pious expression of opinion, but that immediately the Conference was concluded, steps should be taken to deal effectively with the recommendations made.

7. The advisability of establishing a Military Council including representatives of the Indian States was agreed to.

Signed on behalf of the sub-Committee,

J. H. THOMAS.

ST. JAMES'S PALACE, LONDON,
14th January, 1931.

APPENDIX.

SUB-COMMITTEE No. VII.⁶

(Defence.)

MEMORANDUM CIRCULATED TO THE SUB-COMMITTEE BY DIRECTION OF THE CHAIRMAN (MR. J. H. THOMAS).

Numbers.

The total number of officers with the King's Commissions in the Indian Army is at present 3,141. Of these 108 are Indians (69 from Sandhurst, 39 direct).

Composition.

These 3,141 are divided among the various ranks as follows:—Field Marshals, 2; Generals, 3; Lieutenant-Generals, 4; Major-Generals, 20; Colonel, 94; Brevet Colonels, 4; Lieutenant-Colonels, 284; Majors, 445; Captains, 1,833; Lieutenants, 356; Second Lieutenants, 74; Quartermasters, 22. These figures do not of course represent the normal distribution. Owing to over-recruitment during the war and under recruitment after the war there is an excess in Captains and a deficiency in Lieutenants and Second Lieutenants.

The Indian officers are divided as follows:—Brevet Major, 1; Captains, 39; Lieutenants, 54; Second Lieutenants, 14.

Promotion.

Up to Lieutenant-Colonel promotion is on a time-scale, i.e., Lieutenant after 2½ years' service, Captain after 9 years' service, Major after 18 years' service, Lieutenant-Colonel after 26 years' service. Above Lieutenant-Colonel promotion is by vacancy on an authorised establishment. Promotion on the time-scale is not automatic, but dependent on the officer's ability to pass the recognised professional examinations and other tests of efficiency.

Wastage.

In a recent letter from the Government of India the normal annual wastage* has been estimated at 120. The figure of 160 given in the Skeen Committee Report is understood to have been based on evidence given to that Committee by an officer in the War Office which referred to the *British Army*, the conditions in which are substantially different from those in the *Indian Army*, e.g., it contains a larger proportion of junior officers who for various reasons do not continue their Army career. It is regretted that no figures are available which show in accordance with the Maharaja of Bikaner's desire what proportion of this wastage is formed by officers retired on account of inefficiency. It is comparatively small but exists.

* i.e. On the present establishment. On an establishment increased by the substitution for Viceroy's Commissioned Officers of the new type of Indian Officer the wastage would naturally be greater.

SCHEMES OF INDIANISATION.

I.

Government of India's Committee, 1922.

"The Committee have regarded it as axiomatic:—

- (a) That the efficiency of the Army as an instrument of war must be maintained.

- (b) That a definite standard of efficiency must be laid down.
- (c) That the authority to determine this standard of efficiency must be the Commander-in-Chief acting in accordance with the policy of Government.
- (d) That the military authorities must be the sole judges of the fitness of candidates for commissioned rank.
- (e) That the military authorities must be the sole judges of the progress in efficiency of Indianised units.
- (f) That the scheme of Indianisation must be so framed as to ensure that its development shall provide a real and fair test of the fitness of Indians for command in the several ranks and of the fitness of Indianised units for war.

The Committee recommend therefore, that the complete Indianisation of all arms and services (excluding Gurkhas for whom special arrangements will be necessary) of the Indian Army be carried out in three definite stages, each of 14 years, commencing from 1925:—

- (a) First period: 1st to 14th year.
- (b) Second period: 15th to 28th year.
- (c) Third period: 29th to 42nd year.

This was reconsidered and modified to

- (a) First period: 1st to 14th year.
- (b) Second period: 15th to 23rd year.
- (c) Third period: 24th to 30th year.

i.e., a total of 30 years.

But the Committee felt strongly that they would fail in their duty if they did not record their opinion that it is quite impossible at present to guarantee that it will be possible to provide this very large number of educated, trained and experienced officers in a shorter time than that originally recommended by them, i.e., three periods of 14 years each or 42 years in all.

They recommend that during the first period of fourteen years:—

- (a) One regiment per group of cavalry, one battalion per group of infantry, and a corresponding proportion of other services be selected for Indianization.
- (b) The average number of commissions in fighting formations in the Indian Army to be given to Indians in each year should amount to approximately 81—*vide* Appendix I.
- (c) The establishment of a Cavalry Regiment and Infantry battalion and a Pioneer battalion selected for Indianisation be fixed at 28 officers.
- (d) The establishment of a pack battery selected for Indianisation be fixed at 6 officers.
- (e) The establishment of Engineer units selected for Indianisation be fixed at under:—

Headquarters Companies	3 per company.
Field Companies	6 per company.
Field Troops	4 per troop.
Railway Companies	7 per company.
Army Troops Companies	7 per company.

- (f) The number of officers to be posted to the Quartermaster-General's services be approximately 48.
- (g) The number of officers to be posted to the Indian Army Educational Corps be approximately 54.

The officers will be posted to units as follows:—

- (a) Cavalry, infantry and pioneers. Two Indian officers would enter each such unit yearly displacing one British officer and Indian officer as at present commissioned.
- (b) Artillery: One Indian officer would enter each battery biennially (every second year) displacing either one British officer or one Indian officer as at present commissioned.
- (c) Engineer units: Indian officers would enter engineer units as follows:—
 - (i) Headquarters companies: One officer every fourth year.
 - (ii) Field companies: One officer every second year.
 - (iii) Field troops: One officer every third year.
 - (iv) Railway and Army Troops companies: One officer every second year.

This officer would displace either one British or one Indian officer commissioned as at present.

In this way, after twelve years, all British officers in 7 Cavalry regiments, 20 Infantry battalions, 3 Pioneer battalions, 6 Pack batteries, 1 Headquarters Company, engineers, 6 Field Companies, engineers, 2 Field Troops, engineers, 1 Railway Company, and 1 Army Troops Company undergoing Indianisation would have disappeared and such units would be completely officered by Indians.

The Committee further recommend that, with a view to ensuring the necessary supply of military qualified officers for the Quartermaster-General's and Educational Services, a number—approximately 16—Indian officers should be appointed annually and posted as supernumeraries one to each of certain selected units undergoing Indianisation.

The Committee think that it will be necessary ultimately to post Indian officers to units irrespective of Class, but they are of opinion that the point is not one upon which a definite decision can now be given and that experience gained during the progress of Indianisation will alone indicate the course to be followed with a view to reconciling the requirements of military efficiency and possible class feeling.

It is recommended that during the second period the numbers of commissions to be given annually should be increased to approximately 182, and this should provide for the Indianisation of the following units:—

Cavalry regiments	7
Infantry battalions	40
Pioneer battalions	3
Pack batteries	6
Engineer units:—	
(i) Headquarters companies	2
(ii) Field companies	6
(iii) Field troops	1
(iv) Army troops companies	2

Together with a portion for the Quartermaster-General's and Educational services, and an allowance for wastage among first period officers.

The remaining units of the Indian Army would be Indianised during the third period—which if justified by experience might be shortened.

The Committee recommend that all ancillary services be Indianised on the same lines as the fighting troops."

APPENDIX I.

(i) Number of King's Commissions to be granted, by periods with average number to be granted annually.

(ii) Grand total King's Commissions.

(i) Number of King's Commissions granted during each period:—

(a) First period:— Officers.

(i) Fighting Troops	937
(ii) Q. M. G. Services	148
(iii) I. A. Educational Corps	54
Total	1,139

Average annually 81.4

(b) Second period:—

(i) Fighting Troops	1,966
(ii) Q. M. G. Services	444
(iii) I. A. Educational Corps	137
Total	2,547

Average annually 182

(c) Third period:—

(i) Fighting Troops	2,561
(ii) Q. M. G. Services	481
(iii) I. A. Educational Corps	136
Total	3,178

Average annually 227

(ii) Grand Total: King's Commissions:—

(a) First Period	1,139
(b) Second Period	2,547
(c) Third Period	3,178

Grand Total . . 6,864

N.B.—Corps of Signals whose numbers are relatively small have not been taken into consideration.

2. The Tank Corps, whose numbers also will probably be small, and which are yet undetermined has not been taken into consideration.

II.

SKEEN COMMITTEE, 1926.

Scheme of Indianisation.

"The details of the suggested scheme of Indianisation of the Indian Army are shown in tabular form in the statement appended. The following notes are explanatory of the statement:—

1. The normal strength of the cadre of officers of the Indian Army (Cavalry and Infantry units) has been taken as 3,200. The annual wastage in that cadre has, it is understood, never been actuarially calculated, and it has been assumed to be 160, the only figure of authority supplied to the Committee.

2. It is proposed that an increase of 10 vacancies at Sandhurst should be sanctioned immediately. An interval must be allowed in which to advertise the extra vacancies, etc. To permit of an increase in May, 1928, the additional cadets would have to be ready to pass the examination held in September, 1927, and would have to commence their special preparation for the examination at least six months before that. It is therefore postulated that there would be no increase of actual entrants until the September term of 1928, when ten cadets instead of five should be admitted to Sandhurst, the examination for admission having been held in May, 1928.

3. In 1929 and in successive years, up to and including the year in which the proposed Indian military college is opened (*vide* note 4 following) it is proposed that there should be an increase of four each year, as a temporary measure, in the number of vacancies allotted to Indians at Sandhurst.

4. In 1933, a military college on the lines of Sandhurst should be opened in India. The capacity of the college should in the first instance be 100 cadets, and the course of training three years. A batch of 33 cadets should join the college in 1933 and in each of the two succeeding years.

5. After the opening of the Indian Military College, the number of vacancies allotted annually to Indians at Sandhurst can be reduced to the former figure of 20. Any vacancies at Sandhurst not actually taken up by Indians should be added to the establishment of the Indian Military College.

6. In 1936, the first cadets trained at the Indian Military College receive their commissions.

7. In 1936, the annual intake at the Indian Military College is increased by 12, this making a total of 45 Indian cadets sent for training, exclusive of the 20 Indian cadets sent to Sandhurst.

8. In 1939, and at intervals of three years thereafter, the annual intake at the Indian Military College is further increased, on each occasion by 12. In 1942, the intake rises to 69, giving, with the 20 Indian cadets sent for training at Sandhurst, a total of 89 Indian cadets to be commissioned.

9. In 1944, the Senior Indian King's Commissioned officers now in the Army will be due to be considered for command of regiments. After this stage is passed and, it is assumed, passed successfully, the number of commissions granted to Indians rises above 50 per cent. of the total annual recruitment to the Indian Army.

10. In 1952, more than 50 per cent. of the total officer cadre of the Indian Army consists of Indians.

11. The above figures are subject to a percentage correction on account of inevitable wastage and failure. This cannot be calculated precisely and for the present purpose it is not necessary to attempt to do so".

Table showing suggested scheme of Indianisation.

Year.	Numbers sent for training.			Numbers Commissioned			Total Commissioned.	Remarks.
	(a) Sandhurst (1½ years)	(b) Indian Military College (3 years)	Total.	(a) Sandhurst.	(b) Indian Military College.	Total.		
Already Commissioned.	—	—	75	—	—	75	75	
Now at Sandhurst.	18*	—	18	—	—	—	—	
1927 February	5	—	10	{ 7 2 }	9	9	84	
September	5							
1928 February	5	—	15	{ 9 5 }	14	14	98	
September	10							
1929 February	10	—	22	{ 5 5 }	10	10	108	
September	12							
1930 February	12	—	26	{ 10 10 }	20	20	128	
September	14							
1931 February	14	—	30	{ 12 12 }	24	24	152	
September	16							
1932 February	16	—	34	{ 14 14 }	28	28	180	
September	18							
1933 February	18	33	71	{ 16 16 }	32	32	212	Indian Military College opened.
September	20							
1934 February	20	33	63	{ 18 18 }	36	36	248	
September	10							
1935 February	10	33	53	{ 20 20 }	40	40	288	
September	10							
Carried over	—	—	417	—	—	288	—	

* Includes 3 Cadets who should have been commissioned by now in the ordinary course, but who were kept back as still requiring further training.

Table showing suggested scheme of Indianisation—contd.

Year.	Numbers sent for training.			Numbers Commissioned.			Total Commissioned.	Remarks.
	(a) Sandhurst (1½ years).	(b) Indian Military College (3 years).	Total.	(a) Sandhurst.	(b) Indian Military College.	Total.		
Brought forward.	—	—	417	—	—	288	—	
1936 . . .	20	45	65	20	33	53	341	First batch Commissioned from Indian Military College.
1937 . . .	20	45	65	20	33	53	394	
1938 . . .	20	45	65	20	33	53	447	
1939 . . .	20	57	77	20	45	65	512	
1940 . . .	20	57	77	20	45	65	577	
1941 . . .	20	57	77	20	45	65	642	
1942 . . .	20	69	89	20	57	77	719	Half numbers under Training Indians.
1943 . . .	20	69	89	20	57	77	796	
1944 . . .	20	69	89	20	57	77	873	
1945 . . .	20	81	101	20	69	89	962	Half numbers Commissioned Indians.
1946 . . .	20	81	101	20	69	89	1,051	
1947 . . .	20	81	101	20	69	89	1,140	
1948 . . .	20	93	113	20	81	101	1,241	
1949 . . .	20	93	113	20	81	101	1,342	
1950 . . .	20	93	113	20	81	101	1,443	
1951 . . .	20	105	125	20	93	113	1,556	Half Total Cadre Indians.
1952 . . .	20	105	125	20	93	113	1,669	
Total	—	—	2,002	—	—	1,669	—	

III.

Government decisions following on the Skeen Committee's Report.

Provisional 8 units scheme accompanied by an output of 25 officers a year from Sandhurst. Such an output would, as a matter of fact, eventually provide for 16 units with ancillary departments and staff. (Para. 160 of Government of India's despatch).

IV.

Plan proposed in the Government of India's despatch.

25 unit scheme. The number of 16 would require to be increased to 25 in course of time to absorb an annual output of 33 officers a year from an Indian Sandhurst. (Para. 161 of Government of India's despatch.)

NOTE.—Schemes 1, 3 and 4 provide for the replacement of Viceroy's Commissioned Officers by the new type of Indian Officer.

The Auxiliary Force (India) has an established strength of some 35,000. The Indian Territorial Force has an established strength of some 20,000 including some 800 officers.

A PLEA FOR ENGLAND'S CONTRIBUTION TO ARMY EXPENDITURE IN INDIA.

Circulated to all Delegates at the request of Sir P. C. Mitter, The Maharaja of Darbhanga, The Raja of Parlakimedi, Mr. Faal-ul-Huq, Mr. A. H. Ghuznavi, Dr. Narendra Nath Law and Sir Sayed Sultan Ahmed.

(Mr. Barooah, in a letter, dated 20th January, 1931, requested that his support of this Memorandum should be recorded.)

The object of this Note is to draw attention to one factor which, to our mind, is essential to the success of a new Constitution in India; and we are anxious to stress it lest it should be forgotten in a preoccupation with the nature and form of the Constitution. It is our opinion, based largely upon the experience of the Montagu-Chelmsford Reforms, that the success or failure of any Constitution in India would depend in a great measure upon the scope it furnishes for the economic uplift of rural India and the removal of middle-class unemployment. If it should turn out that it cannot stand this test, its satisfactoriness in other ways would be of but little value. The constant complaint of the Ministers that the financial handicap prevented them from promoting "nation-building" activities pointed to a pressing demand which it was not found possible to fulfil; and the failure of the Reforms was due, in no small degree, to financial inadequacy. We are, therefore, emphatic in our view that the new Constitution should start with such an adjustment of India's finances as would enable "nation-building" work to be undertaken without further loss of time. Any constitution aiming at democracy would depart from its own purpose if the rural masses were to remain as poor as they are; and there can be no steady progress if continued middle-class unemployment provided a persistent atmosphere of discontent.

The adjustment of India's finances might take place along various lines; but there is one that has been brought forcefully to our notice by the observations of Mr. Ramsay MacDonald in his "Government of India," and of the Indian Statutory Commission in their Report. Both Mr. MacDonald and the Commission urge an equitable distribution of India's military expenditure between England and India, Mr. MacDonald suggesting that England should bear half of the expenditure. We shall give the relevant quotations and references later on; but it is necessary at once to say that if India could be relieved from her admittedly excessive expenditure on Defence, she could immediately take in hand the work of the uplift of the masses which has been more or less neglected in the past. We look for an improvement in India's financial position from this more than from any other source; and we hold that both justice and considerations of self-interest as between England and India require a settlement in the direction pointed out by such weighty authorities as Mr. Ramsay MacDonald and the Indian Statutory Commission. We suggest that England should make over to India annually a substantial proportion of India's total expenditure on Defence; and that provision should be made for making available to the Provinces the financial relief thus afforded, so that the work of nation-building may be

proceeded with without more delay. We are aware, that alternative suggestions have been made in other quarters, and we shall deal with them later in this Note; but at this stage we are merely concerned with making our general attitude clear.

We shall now pass on, by means of facts and figures from the Report of the Indian Statutory Commission, to analyse the financial position of India in relation particularly to Defence and the welfare of the rural masses.

Sir Walter Layton points out that the annual income of the British population is about £100 per head, and that of India was Rs. 107 (about £8) per annum, and according to a more cautious estimate it is only about Rs. 80 (about £6). Sir Walter Layton further points out, "The proportion of this annual income which is taken in Britain by the tax gatherer and spent upon military and naval defence is about $2\frac{1}{2}$ per cent., viz., £2 10s. 0d. per head. In the case of India, the expenditure upon the army is 2s. 7d. per head, or, leaving out of account the Indian States and including British India only, 3s. 4d. per head, or about 2 per cent. of the average annual income. But, whereas the amount collected by the Government and spent upon education in Britain is as much as £2 15s. 0d. per head, the amount spent on education in British India is less than 9d. per head.

These simple figures illustrate three of the chief features of the financial situation in India, viz. :—

The mass of the people are extremely poor.

She is incurring expenditure on the primary functions of government, such as defence and the maintenance of law and order, as high in proportion to her wealth as Western nations.

Her expenditure on social services such as education, health, sanitation, etc., on the other hand, is far behind Western standards and indeed in many directions it is almost non-existent.

"The insufficiency of India's revenues to provide adequately for the latter classes of expenditure has been a factor of political importance in that it has created dissatisfaction with the very small headway that it has been possible to make in the direction of social amelioration under the Reforms."

Sir Walter Layton on page 215, Vol. 2 of the Report, sets out a balance sheet of India's finances. It will appear from it that the total central revenue is 88.22 crores; it further appears that the cost of Defence is 55.1 crores, or, in other words, it is as high as 62.5 per cent. of the total central income. The total expenditure on social services, such as education, medical and public health, is very inadequate, such expenditure being 12.57 crores on education and 6.38 crores on medical relief and public health, which means a total of 18.95 crores. The population of British India being 247 millions, it works out at an average of 4 annas, or about $4\frac{1}{2}$ d. per head on medical relief and public health. The inadequacy of expenditure on agriculture and rural industries is even more striking, the total sum spent for all the Provinces of India on agriculture and industries being only 3.24 crores, i.e., only 2d. per head. Considering that India's rural population is as large as 226 millions, and that the prosperity of India depends so largely upon the improvement of her agriculture and rural industries, the neglect of past Governments, due mainly to inadequacy of funds, is deplorable.

The inadequacy of funds on social services and on agriculture and industries is due in the first place to a large proportion of the income of India, poor as her citizens are, on Defence. It is due also to the comparatively large expenditure by the Provincial Governments on the primary functions of government, such as maintenance of law and order, and the Services: General Administration (15.76 crores), Police (12.28 crores), Jails and Justice (8.31 crores), Pensions (4.05 crores). The total expenditure on General Administration, Police, Jails and Justice, Pensions, together with Civil Works expenditure on these heads, will come up to more than 47.40 crores. Since the total provincial revenue is 88.25 crores, this represents about 53.5 per cent. of the total provincial income. We have already noted that the total expenditure on Defence is 62.5 per cent. of the total central revenue.

It is thus clear that on primary functions of government, India, both at the Centre and in the Provinces, is spending quite a large proportion of her income.

Comparing the Defence expenditure of India with that of the Dominions, we find that India's expenditure is very high as compared with that of the Dominions.

FINANCIAL EXPENDITURE—FINANCIAL YEAR 1927-28.

(Pensions are not included.)

Figures in thousands of pounds.

	Central expendi- ture.	State or Provincial expendi- ture.	Total.	Net defence expendi- ture.	Percent- age of central expendi- ture.	Percent- age of total (Central and Pro- vincial).
Australia	82,121	113,847	195,968	4,733	5·8	2·4
Canada*	65,700	31,300	97,000	2,735	4·2	2·9
Irish Free State	31,437	—	31,437	2,264†	7·2	7·2
New Zealand	24,945	—	24,945	969	3·9	3·9
South Africa	22,841	10,635‡	33,476	809	3·5	2·4
India	66,165||	65,220	131,385	41,325	62·5§	31·5**

* 1926-27.

† Gross.

‡ Appropriations.

§ 62·5 per cent. of total expenditure.

|| Page 217, Indian Statutory Commission's Report, Vol. 2.

**Page 216, Indian Statutory Commission's Report, Vol. 2.

The Indian Statutory Commission has reported that the size and expense of the army serving in India is determined not merely by the purely Indian aspect, but also by the Imperial aspect, and that there are elements which "make it inequitable to regard its cost as falling solely upon Indian revenues."* The Commission further points out that it is somewhat difficult to evaluate every factor, and they would not attempt even to evaluate some of the aspects of the question relating to the division of army charges which had been under discussion between the Government of India and the Home Government. Lastly, as they were more concerned with constitutional problems than with the division of army expenditure, they did not feel it necessary to do anything beyond touching upon the Imperial and the Indian aspects of the problem.

* On this point the following extract (page 16) from Mr. Leonard Le Marchant Minty's "Constitutional Laws of the British Empire" (1928) is of interest:—

"In December, 1927, it was announced that a treaty had been made with Iraq acknowledging it to be in every way an independent State. Great Britain, however, still remains responsible to the League during the next twenty-five years for carrying out the mandatory powers entrusted to her. This, in fact, has meant the maintenance in Iraq of armed forces and aeroplanes costing over £4,000,000 a year. The upkeep of Indian troops so employed is included in the Indian budget, and as the future of Iraq is not of direct concern to India, and India has no control of the exercise of the mandate, their presence there is open to strong constitutional objections."

Mr. Ramsay MacDonald in his book "The Government of India" came to more definite conclusions. He expressed it as his deliberate opinion that half the army expenditure of India should be met from Imperial, and not Indian funds. We quote below the following from page 154 of his book:—

"What is the proper charge for India to bear for this occupation? A large part of the army in India—*certainly one-half*—is an Imperial army which we require for other than purely Indian purposes, and its cost, therefore, should be met from Imperial and not Indian funds. When we stationed troops in other parts of the Empire, we did not charge them upon the Colonies, but in India we have the influence of the dead hand"

Then, again, he observes:—

"Thus, India is treated as an independent State, which, however, we rule and whose military policy we control, while it 'borrows' from us a certain number of troops for which it pays. The arrangement is most unsatisfactory.

"It may be said that if India were an independent State its military expenditure would be much higher. But then, India is not an independent State, and is entitled to claim some privileges of Empire; its weakness ought not to subject it to a more expensive military arrangement than Canada or Australia.

"A self-governing India would no doubt insist upon bearing some definite share in defence, but like the Dominions it would settle how much it ought to bear: it would adjust the cost to its means, and it would decide in what form it was to make its contribution—*perhaps an Indian-recruited army*. In any event the present plan, by which India pays for the Imperial army stationed there, without in any way determining policy, is as bad as it can be. If the existing system of military defence is to last, *the whole cost of the British army stationed in India should be borne by the Imperial Exchequer.*"

It would appear from the last-mentioned sentence, that if the whole cost of the British army stationed in India is to be borne by the Imperial Exchequer, perhaps England's contribution to the total army expenditure borne by the Indian Exchequer will be not less but more than half. However, be that as it may, it is clear from Mr. Ramsay MacDonald's opinion, as also from the Indian Statutory Commission's Report (Vol. 2, pages 167—173) that India is equitably entitled to ask for a substantial contribution from England towards the army expenditure. In our opinion it is not necessary to examine the details of the share payable by England with meticulous care. We should rather aim at coming to an equitable adjustment on a broad basis, after taking into account political factors in both countries which have an important bearing on their future well-being.

There would probably be those who, although impressed by the justice of our proposal, would still be averse to the idea of an annual contribution to India on account of England's immediate obligations in respect of her domestic problem of unemployment. To them it would not perhaps be wrong to point out that what is asked for in this Note as a contribution to India would be but a small proportion of what England has been annually spending towards unemployment relief. Nor would it be unfair to draw attention to one factor, which is often missed by those whose eyes are fixed upon the hardship of an immediate sacrifice, and who are unable or unwilling to take the longer view. We are convinced that our proposal would be a political gesture of great value, fraught with far-reaching economic consequences to both India and England. The assistance offered by England to the uplift of her rural masses will not be lightly forgotten by India. With new bonds forged between the two countries, the bitterness of the immediate past would be greatly assuaged; and India's trade relations with England—which have been normally of the friendliest—would visibly improve. An advance in the standard of living in rural India cannot but have its natural effect upon British trade; and unemployment which is so large a result of trade depression is bound at least to diminish, when one of the potent causes is removed.

It is from this point of view, too, that we hold that the contribution we are asking for would have great economic results for England and India, even though these might appear to mature too slowly in the beginning.

We desire that England should contribute to the Indian Government a fixed percentage of India's total expenditure on Defence. In view of the weighty opinion of Mr. Ramsay MacDonald, we suggest that a percentage which would amount to half the total expenditure is *prima facie* fair. If in spite of the deliberate opinion of Mr. Ramsay MacDonald, the present head of His Majesty's Government, it still be desired to examine the question further, we have no objection provided the following factors be taken into consideration:—

- (1) The fact that no such contribution has hitherto been made, and England has escaped a just liability for many years past.
- (2) The fact that the employment of British troops and British officers is accountable for a large proportion of the expenditure.
- (3) The merit of an opinion expressed by Mr. Ramsay MacDonald.
- (4) The Imperial aspects of the problem.
- (5) The political aspects.

Such an examination is bound to take some time, it may be several years. We therefore suggest that the payment for the first five years in any case be on the basis of the total expenditure on Defence as estimated by the Indian Statutory Commission, namely, 55.1 crores of rupees; England's contribution during this period 27.55 crores of rupees annually, that is, on the basis of the allocation suggested by Mr. Ramsay MacDonald. This payment should begin from the next Indian official year, that is, 1931-32. After the inquiry has been completed, say, during the next five years, the percentage and the amount of the contribution may be fixed so that it could remain in operation for a period of, say, ten years.

The administration of the Defence of India should remain with the Government of India irrespective of the constitutional position of that Government. We repudiate the suggestion of the Indian Statutory Commission that India should contribute to England for the Defence of India, but we are emphatic in our opinion that the contribution should be from England to the Government of India.

Lastly, we are anxious that the suggested contribution of England should be made immediately available to the Provincial Governments by means of Statutory Rules, so that the long neglected problems of rural India may be taken up without any further delay.



Indian Round Table Conference

12th November, 1930—19th January, 1931

PROCEEDINGS OF SUB-COMMITTEES

(Volume IX)

[SUB-COMMITTEE No: IX (Sind)]

CALCUTTA: GOVERNMENT OF INDIA
CENTRAL PUBLICATION BRANCH
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INTRODUCTORY NOTE.

Proceedings of the Indian Round Table Conference in plenary session, and in Committee of the whole Conference, are contained in a separate volume, the Introductory Note to which explains, briefly, the procedure adopted by the Conference.

Proceedings of Sub-Committees are contained in nine volumes as below :—

Volume I.—Federal Structure.

„ II.—Provincial Constitution.

„ III.—Minorities.

„ IV.—Burma.

„ V.—North-West Frontier Province.

„ VI.—Franchise.

„ VII.—Defence.

„ VIII.—Services.

„ IX.—Sind.

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INDIAN ROUND TABLE CONFERENCE.

SUB-COMMITTEE No. IX.

(Sind.)

The Sub-Committee was constituted as follows:—

The Earl Russell (<i>Chairman</i>).	Dr. Shafa'at Ahmad Khan.
The Marquess of Zetland.	Sardar Sampuran Singh.
The Marquess of Reading.	Dr. B. S. Moonje.
H.H. The Aga Khan.	Mr. M. R. Jayakar.
Mr. M. A. Jinnah.	Raja Narendra Nath.
Sir Shah Nawaz Bhutto.	Mt. C. Y. Chintamani.
Sir Ghulam Hussain Hidayatullah.	Mr. B. V. Jadhav.
Sir Abdul Qaiyum.	Sir Phiroze Sethna.
Sir Muhammad Shafi.	Mr. H. P. Mody.
	Sir Hubert Carr.

with the following terms of reference:—

“The question of constituting Sind as a separate Province.”

PROCEEDINGS OF THE FIRST MEETING OF SUB-COMMITTEE No. IX. (SIND) HELD ON 12TH JANUARY, 1931.

Chairman: The reference to this Committee is to consider the question of constituting Sind as a separate Province. That means, therefore, that the main question of whether it is desirable that Sind should be separated or not has been referred to us, and has not been decided. I think it might be useful if I called the attention of the Committee to what exists already in the way of material on that subject in the various reports. Extracts from the important ones have been circulated this morning, so as to be available to all the members of the Committee.

In the first volume of the Simon Commission's Report, in paragraph 77, there is a description of Sind, with its area and population, and the statement that Karachi is, of course, its important port, that the population is about three-fourths Muslim, and that the present government is under the Bombay Presidency by a Commissioner in Sind, who is to a certain extent more independent and more free than the Commissioners in charge of the other divisions of the Province. They call attention to the fact

that the Bombay High Court has no jurisdiction in Sind, but, of course, there is no separation of finances, and they then call attention to one of the most important questions, and that is the Sukkur Barrage, which has cost £16,000,000, and on which there is still a further outlay to take place. In the second Volume of the Simon Commission's Report, in paragraph 38, they deal with the question of separation. These points are all, I think, in the papers before you, and they come down against separation and say they cannot recommend it immediately, but suggest something in the way of a Legislative Committee. Then in the Government of India Despatch, in paragraph 21, they say they can give no final advice without further enquiry, and a special committee, and they call attention to the administrative and financial aspects.

Then there is the memorandum of the Bombay Government to the Simon Commission, and there the Bombay Government are quite strong against the separation. They say that it is impracticable and undesirable and that it would be a great extravagance; and the further details you will find in the Report of the Bombay Government. Then the Bombay Legislative Council state that for financial reasons alone it was impracticable—

Sir G. H. Hidayatullah: The Provincial Committee.

Chairman: I thought it was the Legislative Council.

Sir G. H. Hidayatullah: No, Sir, it was the Provincial Committee.

Chairman: Then the Indian Central Committee recommended separation, but I understand only by a majority of 5 to 4. Then there were some minutes of dissent. There is a very long one by Syed Miran Muhammad Shah, which is on page 56 and onwards of the third volume of the Simon Report, and there he deals in a good deal of detail with the financial objections, and succeeds in proving, in the end, to his own satisfaction at any rate, that there would be no deficit at all after separation.

I am sorry to say that the official information we have on that is not very good. Apparently the last figures were 1924/1925, and we have telegraphed to the Government of Bombay to see if we can get any later figures, because 1924/1925 seems rather a long time ago. I hope we may get an answer, because it does not seem very satisfactory to have figures five years old. There is another minute by Dr. Ambedkar, who comes down against separation, but for different reasons. That really is the question that is before the Committee—to discuss whether it is desirable that the Province should be separated or not.

Now, I understand that Sir Ghulam Hussain Hidayatullah has only come out of a nursing home to attend this Committee, and therefore if the Committee do not mind I should like to call upon him very early. I do not know whether you wish to say something very short, Dr. Moonje.

Dr. Moonje: I just wanted to know why this question is taken up separately in this Round Table Conference, because there are several Provinces which have made a claim for separation and partition into separate Provinces—for instance, the Karnatak and other Provinces, which have been agitating for being converted into separate Provinces, and out of these many areas why should the Sind question alone be separated. I have not been able to understand that point.

Chairman: I am afraid I cannot say. The question was sent to us by the Business Committee.

Mr. Foot: I was on the Business Committee when this Committee was appointed.

Chairman: I am told that the appointment was the result of a discussion in the Minorities Committee when the Prime Minister presided.

Sir G. H. Hidayatullah: The Boundary Committee will deal with those questions. There are questions of areas there to be determined, not as in the case of Sind, which, as is admitted on all hands, is a self-contained Province.

Mr. Foot: The point, I understand, was this. I was a member of the Minorities Committee, and the question of Sind was referred to, and the Prime Minister thought that the matter could best be dealt with separately rather than by the Minorities Committee, which, as members will know, is pressed for time, as most Committees are, and if we had got on to the question of Sind there would have been no time. There were so many questions to be dealt with that the Prime Minister decided that they should be dealt with separately. The Business Committee met, and our terms of reference were drawn, I suppose, with the Prime Minister's approval.

Chairman: I might have pointed out in opening that there is one argument of the Bombay Government which has rather gone by the board, and that is the argument with regard to size, because Sind is as large and as populous, apparently, as the North-West Frontier Province.

Sir Ghulam Hussain Hidayatullah: Mr. Chairman, I am one of the two members who dissent from the view of the Bombay Government in regard to the separation of Sind. I do not like to deal with the question of the separation of Sind on communal lines, as some parties are trying to deal with it; I want to deal with it on its merits.

It is in the interests of the inhabitants of Sind that Sind should be separated from Bombay. It is admitted by all that it is racially, geographically, and linguistically a separate Province, the experience, manners, culture and mode of life of Sind are quite different from those of the Bombay Presidency altogether. Not only is that so, but even the revenue system and the irrigation system are different from those of Bombay. It was only

by accident of conquest, because the garrison of Bombay conquered Sind, that it happened to be annexed to Bombay at that time, when the Punjab was not incorporated in British India. Had it been, we do not know what would have been the fate of Sind; it might have gone to the Punjab, where the manners, customs, mode of irrigation and revenue system are nearly the same.

Now, Sir, when this garrison of Bombay was marching to Afghanistan under Sir Charles Napier, we unsophisticated Sindhis welcomed your troops, and in their hospitality gave him supply and allowed him a free passage. Those troops marched against our co-religionists, the Afghans. When they returned disappointed, without any rhyme or reason, without any provocation, without any justification, they conquered us. That is the return we got for the hospitality shown by our people. You will excuse me for my frankness. Your own General Commanding, Sir Charles Napier, in his Despatch to the East India Company himself said: "Peccavi: I have Sind."

Mr. Foot: Yes; he called it a piece of rascality.

Sir Ghulam Hussain Hidayatullah: I do not call it that.

Mr. Foot: That is what he called it.

Sir Ghulam Hussain Hidayatullah: Now, Sir, everybody is asking for self-determination. You are applying the principle of self-determination to every part of India and the whole of India. Why should you not now support our righteous cause and make amends for your past sins, and I will show you personally that we have a very strong case for the separation of Sind. Now, Sir, I will first deal with this point. It is admitted on all hands that it is a separate Province. That is admitted by the Simon Commission. If you like I will read it out to you, but I do not want to waste your time by reading it. It is admitted by the Government of India that it is a separate Province. It is a self-contained Province.

Then the second question arises, whether there is a demand for separation from the people or not. There is a demand, Sir, not only from 75 per cent. of the Muhammadans, but from Hindu gentlemen also, though they are in smaller numbers. The most enlightened community, though they are a handful in Sind, the Parsees, have been urging the separation of Sind. I may quote the name of Mr. Jamshed Mehta, who is the President of the Karachi Municipality, and who is associated with every activity of Sind, social, political, commercial. He is in favour of the separation of Sind. Thus, Sir, I have shown you that there is a demand, a demand by an overwhelming majority.

Now, Sir, there is the question whether this demand has arisen of recent years or is a very old and insistent demand. I may call Sir Charles Napier the first Governor of Sind and the last Governor of Sind. After the dictatorship of Sir Charles Napier,

Sir Bartle Frere became the Commissioner in Sind; he recommended that the Sind Province as a separate Province should be turned into a Chief Commissionership, nothing to do with Bombay or any other Presidency. But no heed was paid to him. Then this question again was opened in 1817, but, owing to the second Afghan War, the question was prevented from being discussed at full length. Then Lord Curzon again made an attempt to reopen this question. Then my friend in his memorandum has shown that this question has been mooted from time to time and my Hindu friends were the first to be in favour of the separation of Sind.

Now, Sir, I have said that it is a separate Province, there is a demand and this is an old question, there has been an insistent demand for the separation of Sind from time to time. That clearly shows that the people want separation. Now I come to deal with some of the objections of my Government. They say it will be a small Province; but, as Your Lordship pointed out just now, the North-West Frontier Province is much smaller than Sind, and yet it has been made a separate Province. As to the area of Sind, Sind is of the same size as Great Britain without Wales.

Now, Sir, I come to the other difficulties that have been pointed out by my Government, the administrative difficulties as they call them. As a matter of fact, the administrative difficulties are in favour of the separation, as I will presently show you, rather than against it. Since 1843 the Bombay Government has found it difficult to administer Sind efficiently from a distance of 500 to 600 miles by sea and many thousands of miles by rail. Therefore they passed an Act delegating the powers of the Government of Bombay in respect of Sind to the Commissioner in Sind. Does that show that the administrative difficulties are against or in favour of the separation? The Bombay Government has condemned itself by passing this Act itself and subsequently Acts by which it delegated its powers to the Commissioner in Sind.

They cannot rule it from that distance. I should like to read to you what was said by my late friend Mr. Harchandrai, the greatest leader we have had in Sind, and a Hindu. He made a protest when he went as a member of a deputation to see the late Mr. Montagu. "The Government of Sind", he said, "has for the last seventy years been in effect an unqualified autocracy, with all the disadvantages and characteristics of that system. The Commissioner in Sind derives his numerous powers partly by inheritance from his ancient predecessor, Sir Charles Napier, the first and last Governor of Sind, and mainly by the frequent delegation to him of numerous powers of local government by the Governor of Bombay in Council, and recently by the specific preservation to him in later Acts of powers elsewhere reserved to the Governor in Council, and has to-day become in most respects a local government, without the check of an Executive Council".

Mr. Foot: What document is that?

Sir Ghulam Hussain Hidayatullah: This is the representation made by the leader of the Hindu community to the late Mr. Montagu, when Mr. Montagu came to Bombay in 1917.

Mr. Foot: Is the book from which you have read that available?

Sir Ghulam Hussain Hidayatullah: No, but that representation can be obtained from the Government of Bombay, and nobody can deny it.

Now, Sir, that position still obtained in spite of the Montagu-Chelmsford Reforms and although we have dyarchy with Ministers and Members. Certain powers have been delegated to the Commissioner, but so far as the powers that have not been delegated to him are concerned, the various Commissioners from time to time have bitterly complained of inordinate delay in the disposal of matters by the Government of Bombay. I should like to quote to you part of a speech by one of the Commissioners who retired only four or five years ago from Sind, and who is here and whom the sub-Committee can examine. He says "The work is more and more being done through a Government which, however friendly, is situated several hundred miles away, and correspondence on education, engineering and other subjects takes a very long time before it is finally disposed of". In fact, the Government of Bombay and their officers have condemned themselves by their admissions that they cannot govern Sind from such a distance. You have the Act still in force and you have the complaint of the Commissioners in Sind that in regard to matters where no delegation of powers has been made there is inordinate delay. Are these administrative reasons in favour of separation or against it?

It is said that Sind will be a small province and will be deprived of the expert advice of specialist officers and the heads of departments, a plethora of which have been employed. I have to do my duty, though it is unpleasant. It will be said that we will not be able to afford to employ a consulting architect. Now, Sir, in the first place is Sind going to have a very big programme of building? What has Bombay done up to this time? Only recently, after all this agitation, they have given us a Chief Courts building worth 25 lakhs of rupees; otherwise the other buildings come to fifty thousand rupees or a lakh. Are we to employ a consulting architect for these smaller buildings? I will go without his expert advice. We have two Chief Engineers in Sind, and if they cannot design ordinary buildings costing two lakhs they are not worth the salary that they are getting. However, to reply to the argument of my Government I submit that there are any number of private architects in Karachi, and when we have plenty of money and want to build fine buildings we will get a private man to do the work of designing them, instead of burdening ourselves with a recurring expenditure of several thousand rupees every month. That disposes of one of their specialists.

Then comes the consulting surveyor, who deals with town planning. Under the Town Planning Act the initiative comes from the local bodies, what would be called Country Councils here. They want to introduce schemes, but I know what their resources are in my part of the country as well as in the whole Presidency; their resources are depleted and they cannot introduce any system of town planning at the present time. We have an Assistant Consulting Surveyor in Sind, but the Bombay Government says an Assistant Consulting Surveyor is not sufficient, to advise us, and that we must have the advice of the Consulting Surveyor of Bombay. If that is the case, what is the good of employing an Assistant Consulting Surveyor in Sind? What is the good of employing such a man if he is not going to be competent to draw up a town planning scheme? Moreover, only two years ago the present Consulting Surveyor was my Assistant Consulting Surveyor in Karachi. Why should we need the services of the Consulting Surveyor of Bombay? It is an unnecessary financial burden. Let us suppose, to take an extreme case, that our local bodies have plenty of money and introduce a scheme. To satisfy the Government of Bombay about that scheme we can borrow the services of their Consulting Surveyor. I have been in charge of these departments for nine years, and I know we have been lending the services of these people on payment to the Indian States, leaving aside the other provinces. I can therefore meet their objection in that way, if the local bodies have plenty of money and it is thought that the advice of the Assistant Consulting Surveyor is not enough. That disposes of the second specialist officer.

The third is the Sanitary Engineer, dealing with sanitary schemes, waterworks and drainage. The policy of the Government of Bombay up to this time has been to assist the Bombay Corporation and the Karachi Municipality up to fifty per cent. of the cost of these schemes. You know how depleted are the resources of the Bombay Government itself. We have a deficit budget of one and a half crores this year. The resources of the local bodies are also depleted, and how can they launch waterworks and drainage schemes when they are without money? Even supposing they do so thereafter, we can ask for the services of the specialist of the Bombay Government on payment to design a scheme for us, and we have competent engineers working under the local bodies to execute such schemes, as is done all over the country.

Similar remarks apply to the other specialist officers. We come now to the heads of departments. Take the Revenue Department. You have the Commissioner in Sind, which is a prize post for the Revenue Department, with a Government house and so on, so that so far as the Revenue Department is concerned there will be no necessity for the advice of the Bombay head of the department. Then we have the Judicial Commissioner. Our Chief Court is self-contained in judicial matters, and is independent even of the High Court of Bombay, so that in revenue

and judicial matters we do not stand in need of any advice. The Members will disappear now; there will be only Ministers.

Then comes the Engineering Department. There is a self-contained Engineering Department in Sind already, and we have two Chief Engineers in Sind, one dealing with ordinary irrigation and the other with the Sukkur Barrage. Yet it is said we should go for advice to Bombay! I cannot understand it.

Then comes the Inspector General of Police. In the last ten years, how many times has the Inspector General of Police of Bombay visited Sind? I do not think more than twice, and perhaps only once. Yet we are bearing a portion of his cost. We have a Deputy Inspector General of Police there, an officer who has between 15 and 20 years' service. If he is not competent to give us advice in regard to our police matters, then I am afraid he is not worth the salary of £2,000 or £1,800 that he gets. Why should we have an Inspector General of Police, and do these heads of Departments go very often to Sind? Then I come to the Chief Conservator. We have a Conservator in Sind already, though there are no forests worth the name. If I had my way I would abolish that post altogether. There are no forests in Sind, and yet there is a Conservator and there are rangers of the forests, and I think on the top of it we ought to have the advice of the Chief Conservator of Forests. When did Bombay have that advice of the Chief Conservator of Forests? That post has come into existence. Once it came into existence and it was abolished. Again it has come into existence. I am afraid it is going to be abolished very soon. These are the administrative difficulties. Then, Sir, I come to the Director of Public Instruction. How many times have they visited Sind, and how many days are they in Sind to advise us? Yet we bear the cost of their establishment and their travelling allowances. Does he know Sindhi? Even some of my Inspectors of Education do not know Sindhi, the language of the place, though most of the Civilians are required to pass the examination. We have Inspectors of Education there who do not know the language.

Mr. Jadhav: That is the case with all the Government Inspectors.

Sir G. H. Hidayatullah: The higher education, the curricula, everything is determined by the university. I do not know what advice the Director of Public Instruction will come and give me, but without which Sind will not be governed properly. In the first place, he does not know the language of the place, he does not know the customs and manners of the people. We have at present a Director of Public Instruction imported from some other Presidency. They will excuse me for saying that we give them good hospitality and good shooting in the winter when they come round there.

Mr. Jinnah: That is why they come there.

Mr. Jadhav: They can collect objects of art.

Sir G. H. Hidayatullah: And my friend will know that you have appointed a Director of Agriculture, or he is being appointed.

Mr. Jadhav: A Chief Officer of Agriculture.

Sir G. H. Hidayatullah: So I do not know why Sind should not be separated. We have two Chief Engineers, a High Court, we have a Commissioner with a Government House; no other Commissioner has a Government House; in fact, we have all the important directors, heads, chief agricultural officer, and so on. I do not know what the administrative difficulties are; I cannot understand the administrative difficulties at all. The administrative difficulties are more in continuing with Bombay rather than in separation, as the Government of Bombay have themselves admitted in regard to the separation of Sind.

Then, Sir, another argument is that there will be a smaller cadre, and people will not like to serve in Sind; but the argument is not sound. There are others that have at present seven districts. If this separation takes place after two or three months Sind will sanction the money for everything; and, mind, when the Sukkur Barrage comes into operation

Sir Abdul Qaiyum: There is the Delhi Province, of course.

Sir G. H. Hidayatullah: Yes, I had forgotten that.

Sir Muhammad Shafi: Consisting of a city and a town and a police station!

Sir G. H. Hidayatullah: Now, take the I.C.S. cadre. They can rise to the prize posts in Sind Memberships are going now. Nobody will be appointed as a Member from the I.C.S. after the further reforms, so they can rise to the highest posts of Commissioner in the I.C.S., and they can become, if they join the Judicial Department, Judges of the Chief Court or of the Judicial Commissioner's Court, and there are three civilians. Is that not sufficient inducement for them to go to Sind, when there are four prize posts for them? In the Engineering Department they can rise to be Chief Engineers. Then, Sir, as regards the Police, they can become D.I.Gs. After all, there is only one I.G.'s post in the Presidency. All young men who enter into the Police Department have not retired as I.Gs. Most of them have retired not even D.I.Gs. Besides, there is an attraction in Sind. You may ask those gentlemen who have served in Sind. They do not like to leave it. There is a special Sind allowance for them, and there is the hospitality that we show them.

Sir Muhammad Shafi: When Sind becomes a Province in itself the D.I.G. will cease to be a D.I.G.; he will become an I.G.

Sir G. H. Hidayatullah: So the objection about a small cadre does not hold good. Now I come to the Simon Commission's objection. They merely express their sympathy with us: "We have great sympathy with the claim, but there are grave administrative objections to isolating Sind and depriving it of the powerful backing of Bombay before the future of the Sukkur Barrage is

assured and the major readjustments which it will entail have been effected."

Now, I have dealt with the administrative objections that appeared to the seven Simon Commissioners. To me it appears, and to every reasonable man it will appear, that the administrative difficulties are with the continuance with Bombay rather than against it.

Now I come to some instances of the "powerful backing of Bombay" in Sind. My friends from Bombay will excuse me. I have been reading that in all civilised countries the prosperity of the country depends on its communications. You will be surprised to hear that there are not more than a hundred miles of Government Provincial roads in Sind, and not more than 30 miles of pukka roads on which you can run a motor-car. This is the "powerful backing of Bombay" that we have got up to this stage, Sir. If any civilised country does not have good communications, how can there be prosperity in a country? That is one example of the "strong backing".

Chairman: Are not they just giving you a broad gauge railway?

Sir G. H. Hidayatullah: Only now we are getting a small gauge one. A friend of mine here once had a motor ride in Sind, and he might have mentioned his experience of the jolting he got.

Mr. Jinnah: Only a few months ago I had an experience there. I rode 35 miles in a car.

Sir G. H. Hidayatullah: So this is the "powerful backing" as regards communications. Now, with regard to education, in two other divisions of the Bombay Presidency and the city of Bombay they have Government colleges of all kinds, engineering, medical and others. Poor Sind has not got one Government college. Now, as regards primary education, my friend the President of one of the District Local Boards will tell you that we poor people, in order to educate ourselves, have increased our local rate from 1 anna to 2 annas to introduce compulsory education, and the poor Bombay Government says we have no money to contribute our share so that you will be able to introduce compulsory education within your radius. This is another instance of the "powerful backing of Bombay". A third example is medical relief. You can call for the figures and find out how many thousands—not lakhs—are spent in Sind on Medical relief. This is the "powerful backing of Bombay".

Now I come to the Sukkur barrage. I had the honour to be in charge, and it is the only legacy we have got from them. As to the Sukkur barrage, no doubt we have borrowed this money on the credit of the Government of Bombay from the Government of India. The scheme was prepared by the experts of the Bombay Government. It was sanctioned and carefully scrutinised by the Government of Bombay. There was a great deal of controversy, even in England, about the scheme. After being convinced, the

Secretary of State sanctioned the scheme, and they assured us poor Sindhis, "that is a productive scheme". If it is a productive scheme, as they say, and as they have laid down certain estimates, what fear is there of the loan? We will pay it.

Chairman: Well, but it is conceivable that, at present commodity prices, it may not be very productive.

Sir G. H. Hidayatullah: Then how is Bombay going to pay you a deficit of a crore and a half? That is my reply. But these prices will not continue for ever.

Chairman: I hope not.

Sir G. H. Hidayatullah: If they continue for ever, then Bombay cannot pay, with the heavy loans that they have incurred already—that I will deal with later on—and a deficit budget of a crore and a half. I do not think the depression is continuing for ever. There will be hopeful signs. So as regards the debt of the Sukkur barrage, it is to be paid. In the estimates they are doubling the assessment.

Chairman: Do you mean that Sind will be prepared to take over the whole burden?

Sir G. H. Hidayatullah: Yes, I understand so. That is so is it not?

Sir S. N. Bhutto: I will speak later.

Mr. Jinnah: I do not think Bombay would give up the advantage. You see, under the scheme Bombay having guaranteed the loan, as I understand it, Bombay stands to gain if things go on well.

Chairman: If the thing goes right, Bombay looks to taking the profits, you mean?

Mr. Jinnah: Yes. Therefore I do not think you will get Bombay easily to say, "We will give up the prospects", having guaranteed the loan. You see what I mean?

Chairman: Yes.

Mr. Jinnah: But that is a matter of adjustment.

Chairman: Yes. I should have thought that cut both ways, because if Bombay is prepared to do that, they will have to bear the burden whether Sind is separated or not, will they not?

Mr. Jinnah: Yes, so far as the Sukkur barrage is concerned.

Chairman: Yes; I mean, they cannot have it both ways so far as the Sukkur Barrage is concerned.

Mr. Jinnah: Yes, subject to adjustment, that may be right.

Sir G. H. Hidayatullah: Then, Sir, the Simon Commission says, "There are grave administrative objections to isolating Sind and depriving it of the powerful backing of Bombay before the future of the Sukkur Barrage is assured." I cannot understand the language—whether the Sukkur Barrage is technically to be a success, or financially, or how. Technically I can tell you

that it will operate in 1932, January; so the future of the Sukkur Barrage is assured as an engineering scheme.

Sir Muhammad Shafi: It is practically complete.

Chairman: Yes, what you might call the engineering part of it is complete.

Sir G. H. Hidayatullah: Yes; so there is no fear of the future of the barrage or anything now. Now, Sir, I will put to you one argument. They say financially we are a deficit Province. Yet why do they want Sind when they have their own financial difficulties—the Bombay Government? I cannot understand that. I have failed to understand that up to this time.

Chairman: Just keep for one moment to the barrage, you remember that the first volume of the Simon Report said that a considerable further outlay would be required.

Sir G. H. Hidayatullah: That is for the development of roads and railways.

Chairman: I thought it was for canals.

Sir G. H. Hidayatullah: The barrage we are completing within 20 crores. That is for the further development.

Sir S. N. Bhutto: That is only a pious hope, Sir. Where is the Bombay Government going to find the money?

Sir G. H. Hidayatullah: Now, Sir, how has Sind been made a deficit Province? I had the honour of leading a deputation on behalf of the Sind Muhammadan Committee to the late Mr. Montagu in December, 1917, and we there pressed the question of the separation of Sind. We had sent an estimate ahead. It was very carefully scrutinized by the Government of Bombay and its financial advisers, and what has the late Mr. Montagu written in his diary? That Sind pays more than what it gets.

Mr. Foot: Is this an exhibit in the case, this book?

Sir G. H. Hidayatullah: I am giving it as an exhibit. It is undoubtedly true that Sind gives more funds to Bombay than Bombay gives to Sind. That is an authoritative announcement by a responsible officer, the Secretary of State. Now, it will be a mystery to you all as to how it became in 1922 a deficit Province, and I am going to help you in solving that mystery.

Now, Sir, after 1917 there was a good deal of agitation in Sind that Sind pays more than what it gets, and all communities, Hindus, Muhammadans, Europeans, Parsis, everybody joined and made representations to the Government of Bombay—that is to say that if they were not properly dealt with they would ask for a separation; and actually in 1922, if I rightly remember the year, a deputation consisting of Parsis, Europeans, Muhammadans and Hindus waited on the Governor of Bombay, and to the surprise of those gentlemen, members of the deputation were told for the first time in their lives, "You are a deficit Province," and these were the figures quoted. In 1922 revenue was 1 crore 95 lakhs

and expenditure, 2 crores 9 lakhs. This was the first time we had heard this news. As I have told you, Sir, since 1918 there was a good deal of agitation in Sind. Therefore the Government of Bombay tried to spend some money on Civil work. Up to 1922 they built a few roads and spent 10 or 15 lakhs of rupees on those.

Then they entered into a bargain with the Military authorities as to the purchase of Artillery Maidan, which is a very large area in the city of Karachi. In lieu of getting that area, the Government of Bombay built barracks for them in Quetta; they perhaps spent about 30 lakhs there for them. Then, Sir, there were a few buildings, the Chief Court and other buildings, during this interval, and a few lakhs have been spent on irrigation. Perhaps since 1918 up to this day, if I rightly remember, a capital expenditure of about 1½ or 2 crores has been incurred by the Government of Bombay. Now, Sir, in the old times this was our method of budgeting. I remember it with regard to the Karachi Courts over which we have spent 25 lakhs. Before plans and estimates were ready, 10 lakhs were provided in the Budget, and they lapsed at the end of the year; but, all the same, in the Budget it appeared as 10 lakhs for Sind Civil Courts. Similarly with regard to civil works of the Public Works Department there have been large lapses, but, all the same, the money is shown there as having been spent on Sind. Now they will include all these monies when they say what they have spent on the civil works, on the purchase of the Artillery Maidan, on building the Chief Court. No doubt if you include these capital expenses in it, it becomes a deficit budget. But no new district has been opened since 1918, and we paid more in 1922 and yet ours became a deficit budget. That is because of the inclusion of the capital expenditure.

Now what are the assets against it? Mr. Martin will bear me out when I say we have been told with regard to the Artillery Maidan that it is a fine bargain; it is a land for which we have paid 25 or 30 lakhs of rupees, and it is worth more than a crore or a crore and a half. So that we can set off that crore and a half, and there will be no deficit at all. But, Sir, take the old building of the Chief Court. Now the new Chief Court over which we have spent 25 or 30 lakhs has been built on government land which we had acquired from the military; that is a portion of the Artillery Maidan; but the old Chief Court building is in a very busy place which my friend must have seen; if we sell it it will fetch say some 15 or 20 lakhs. So we have an asset to set against this two or one and a half crores of rupees that has been put against us.

Sir, I can make any budget a deficit budget if you make me the Finance Member for two months.

Chairman: We can do that in this country.

Mr. Foot: We can do it in this country without any difficulty.

Sir G. Hussain Hidayatullah: Now, Sir, another method which has been adopted is this. We are burdened with what are called the Supervision Charges. There are the Governor's salary, his allowances, and some other hospitality allowances. Few of us have had the honour of sharing his hospitality because we are at a long distance. Some of the critics have been debiting us with one-third, and others with a quarter, of those Supervision Charges. Then there is the Secretariat and the expenses of the Secretariat. There is a plethora of special officers and Heads of Departments. All their charges come to many lakhs, and they debit us with a quarter. One of the critics says: "No, Sind should pay one-third, not even one quarter." The expenditure is 16 crores, and on poor Sind only two crores are spent. Yet, though there has been no supervision over Sind, as I told you, they debit us with one-third or one quarter of the Supervision Charges. In fairness the Supervision Charges put against us ought to be one-eighth, because they spend 16 crores on the Presidency proper and two crores on us; but they burden us with Supervision Charges to the extent of one-third or one quarter, and so they make a deficit.

Chairman: Just while you are on that, if Sind were separated, what would you suggest that your government should be:—a Governor and two Ministers?

Sir G. Hussain Hidayatullah: No, I would make it three Ministers. I can make it two Governors and three Ministers out of the Supervision Charges.

Chairman: Then you would certainly be a popular Province.

Sir G. Hussain Hidayatullah: I would have three Ministers. I will deal with this later on: in Sind you cannot get on unless our Hindu friends form a Ministry there. We will have three Ministers. If, Sir, you take the total of these Supervision Charges, it comes to many lakhs. Now some of the critics try to burden us with the interest charges on the loans of the Government of Bombay which have not been contracted for the benefit of Sind, but have been sunk in the Back Bay, others on unproductive Deccan Irrigation and some other parts. They say: "you must pay one-third or one quarter of the interest." Now, Sir, I am sorry I was sent away here at very short notice; otherwise I would have brought all the figures and shown you. I do not remember; Mr. Mody might correct me; is it 18 crores Back Bay and the Suburban, or 20 crores?

Mr. Mody: 22, I think.

Sir G. Hussain Hidayatullah: Yes; I am near it. I am speaking from memory. Now 22 crores sunk there are assessable to Bombay, but the critics say Sind must pay a portion. About 18 or 20 crores have been paid by the Bombay Government on unproductive irrigation in the Deccan, and they say we must pay. They want to make it a deficit budget. The brush is in their hands and they can draw any picture they like.

Then there is the boast of the Government of Bombay; every Finance Member from time to time has been telling the whole world that the Bombay Government's assets in the shape of roads or buildings are 60 to 70 crores of rupees. Now, Sir, we have only got 20 or 25 lakhs' worth of roads in Sind; the rest are all in the Bombay Presidency, as are also the buildings. There are only two or three buildings of which we can boast, of which the Chief Court is one, on which they have spent 25 lakhs. I do not think the whole property of the Government of Sind or of the buildings would be worth more than $1\frac{1}{2}$ or 2 crores of rupees, and that is a very liberal estimate. That means that these 60 or 70 crores of rupees are these assets only in the shape of roads and buildings with the Government of Bombay; that money they have spent in the Presidency proper and in the city of Bombay; and yet they ask us to pay interest on all those things. The mere repair of these assets of the Government of Bombay costs them nearly a crore of rupees. 66 lakhs they spend on the repairs; and then the establishment is about 34 lakhs on some things. I can challenge anybody that not more than 4 or 5 lakhs has been for Sind. The critics say: Pay all; you are a partner; all the debts of the Bombay Presidency should be pooled together; pay one-third or a quarter. Thereby they make ours a deficit budget. My reply to them is: Then share all the assets with us. If they share the assets with us, according to their own admission, roads and buildings, the Back Bay lands, and several interests of the Bombay Government, I think we shall come off very well. They spend only 2 crores here and yet they want us to pay to the extent of a quarter or a third interest on the money which has been sunk in the Bombay Presidency. Is that fair? Well, if that is so, let us then pool all the debts of Bombay, including the Sukkur Barrage. Let us bear only one-eighth, because they spend only 2 crores on us, and seven-eighths should be borne by Bombay. And let us share the assets. So, Sir, it is that the critics are trying to make us a deficit Province.

Mr. Jadhav: Does this 2 crores include the expenditure on the Sukkur Barrage?

Sir G. Hussain Hidayatullah: No, excluding that.

Mr. Jadhav: And 16 crores includes all these debts?

Sir G. Hussain Hidayatullah: No, that is not so, that is recurring expenditure.

Mr. Jadhav: I think including capital.

Sir G. Hussain Hidayatullah: No, no. I am not talking of the Sukkur Barrage; that is not included. Now, Sir, I come to the position of my Hindu friends. I have a very large number of Hindu friends—very dear friends. To my mind their apprehensions are groundless. They are the brains of my Province. They are highly educated. There is one community, the Amil community, of 25,000 souls, men, women and children, almost every one of them educated. I am proud of them; I have learnt

very much from them by staying with them and by my long association with them in Hyderabad City. They have produced more lawyers and graduates in proportion to their population than any other country in the world. For instance, one family has 4 civilians, the rest of them being engineers, doctors and lawyers. Sir, in no country is it numbers that rule; it is brains that rule. My Amil friends always boast that when we had the Muhammadan rule, even then they were our ministers and were high officials. That shows, Sir, that the Sindhi Muhammadans have been treating them very well. No Amil will dare to deny that they were ministers in the days of the Muhammadans, and that they then occupied high social positions. Their only fear, as Government servants, is for their monopoly; they think that as the Muhammadans are in a majority, in democratic institutions, the Muhammadans might oust them. But they must remember we are going to appoint a Public Service Commission, so that there will be no favouritism. I am proud of myself in this respect because I have been 10 years in the Government of Bombay, and I challenge any Hindu to say I had shown favouritism to any Muhammadan in preference to a Hindu. On the contrary, if anything, I have done much more for the Hindus than for the Muhammadans. My Hindu friends in Sind know that to be the fact.

Now, Sir, they are afraid for their vested interests, and I might say something very unpleasant. Ours is an official-ridden country. My friend, if he holds some land, knows it. It is not only the influence which the officials enjoy but also—I will not call it the corruption but perquisites. I will select a good name that carries izzat. My friend is a zemindar and he must know it. I know it and my friend knows it because he is a zemindar. There are officials in Karachi who draw a salary of two pounds a month; that is 26 or 30 rupees; but you will find that his sons are educated in England; he will have a son in England and two or three sons at the Colleges. He will have a nice red brick house. So, Sir, it is their vested interests for which they are afraid; they fear democracy in that respect.

Mr. Jadhav: Is Sind an exception to the rule?

Sardar Sampuran Singh: It is an exception, yes.

Sir G. Hussain Hidayatullah: It is an exception. I pay this money, being a member of the Government of Bombay. I am now letting out a secret. My agent, without my notice, pays away this money; otherwise a thousand and one difficulties will be created in my way. One might ask why has Government Service such a charm? It is not only the emoluments and the influence, but there is a third thing which I have just now mentioned. I say they are afraid for that. They are only looking at it from one point of view. They are not thinking of the material development of Sind, with which I will deal later on.

Then, Sir, our Hindu friends are not a meagre minority there; they are more than 25 per cent., and they are a great economic

fact in the life of every Sindhi. I do not know, my friend may be free, but otherwise almost every Muhammadan is indebted to them.

Sir S. N. Bhutto: They manage our affairs; they manage the affairs of almost every Muslim zemindar.

Sir G. Hussain Hidayatullah: I am speaking with all responsibility when I say the first man who is consulted by a Muhammadan is a Hindu lawyer or a Hindu official rather than a Muhammadan. The Hindus are not a meagre minority; they are the brains; they are highly educated; they can hold their own against the white Brahmin of the Deccan. I have consulted some of my officials; they say: Your Amil is more astute even than the white Brahmin of the Deccan; he is cleverer; he is more decent; he dresses well and lives well. I am proud of him, Sir. So, there is education. He is in numbers 25 per cent., and he owns to-day 40 per cent. of the land in Sind. As I told you, Sir, 30 per cent. is already mortgaged with him, so that we, the majority, have only 30 per cent. So that he is not a meagre minority; he is a very rich man; he is an economic factor. In fact, we follow his advice. His fears are groundless. I think the late development of these communal views have spoilt them. They it was who were originally for the separation of Sind, and not we Muhammadans.

Now, Sir, I come to the potentialities of the City of Karachi and the Port of Karachi. There is a great future for both, but so long as the Port of Karachi is under Bombay I am sorry to say it must take up a subordinate position to the Port of Bombay. Bombay cannot develop both the ports. There is rivalry between the two. We have now at present the Air Service direct to Karachi; the English mail from Aden can come to Karachi 48 hours before it reaches Bombay, and yet it goes first to Bombay because we are under the Government of Bombay.

Then, Sir, if Sind is separated we can press for a fast mail from Karachi to Delhi and capture all the trade of central India. With the developments in the Punjab in the way of irrigation and so on, and with the Sukkur Barrage scheme, I am sure that if Sind is separated Karachi will become the exporting and importing port of India, and I am afraid that then Bombay will lose most of the middlemen's profits. I think that is also one of the considerations.

Sir M. Shafi: That is why Bombay says Sind should not be separated.

Chairman: May I interrupt for a moment? Did not the Karachi Chamber of Commerce say that Karachi had not suffered from association with Bombay?

Sir G. Hussain Hidayatullah: They say that now, but in 1922 they were the first to cry for it. The Chamber of Commerce take that view because their main offices are in Bombay; there are only branches in Karachi. Other Chambers take different view. Mr. J. Mehta is Chairman of the Chamber of Buyers and Shippers,

and he is in favour of the separation of Sind. Most of these people have only branch offices in Karachi; their main offices are in Bombay, and so it does not affect them at all.

Mr. Jinnah: They will soon establish their main offices in Karachi.

Sir G. Hussain Hidayatullah: But that will take them some time.

Sir M. Shaft: Mr. Jinnah means, when Sind is separated. Then they will have more independent offices in Karachi and be grateful for the separation of Sind.

Chairman: It was Mr. Graham, the President of the Chamber, who said his information was that Karachi had not suffered by reason of its association with Bombay.

Sir G. Hussain Hidayatullah: But why should we consider individual opinions? It is natural. Now we are subordinate to Bombay, and would Bombay like Karachi to develop and become a rival to the port of Bombay?

Mr. Jinnah: They are rival interests.

Sir G. Hussain Hidayatullah: Yes, they are rival interests. Now, Sir, I have one more point, and then I have finished. Bombay has got very heavy debts to pay. It has a deficit budget of 1½ crores this year. Why should we have another deficit province added to Bombay? If Sind is deficit province and is of no benefit to Bombay, why should Bombay want to have it? I cannot understand it; the sooner they get rid of it, the better it will be for them. Instead of opposing separation, they should welcome it. We are ready to submit to all the financial adjustments which may be necessary, provided we have men of our own choice, or at least one man who understands finance. It is generally said that we Muhammadans have no head for mathematics and finance, but the few that have should be on the Committee dealing with the matter.

With these remarks I have done.

Lord Zetland: You have made out a very good case.

Dr. Moonje: I now understand that the separation of Sind is being considered as a part of the minority problem.

Chairman: No.

Dr. Moonje: That question was raised in the Minorities sub-Committee, and the Minorities sub-Committee sent instructions to the Business Committee

Sir S. N. Bhutto: In the statement I put in I said that this demand should be considered as a demand of the Sindhis, and not as a communal question. When this question was taken up by the Muslim League, in my public speech at Hyderabad, presiding over ten thousand people, I protested and said it was not fair to us at all. It is we Sindhis who want this question considered, and we want it considered on its own merits. It is a demand of the

Sindhis, including Hindus, Muhammadans, Parsees and Europeans —everybody. I therefore protested to the Prime Minister that this ought not to be considered as one of the demands made by the Muhammadans, because it is not a minority demand; it is a demand made by the Sindhis.

Dr. Moonje: Did not you raise the point in the Minorities sub-Committee?

Chairman: This sub-Committee had better consider the question now on its merits.

Dr. Moonje: I agree. I do not want to go into that matter in this sub-Committee. This subject is being considered by the Minorities sub-Committee.

Chairman: It must be considered here on its merits.

Mr. Chintamani: Is any reference to minorities in the terms of reference of this question to this sub-Committee?

Sir M. Shafi: None whatever.

Chairman: The terms of reference are "The question of constituting Sind as a separate province." I look at the matter from an administrative and financial point of view, and I think we will be wise if we keep to those aspects of the question.

Dr. Moonje: From that point of view I am under a handicap, because there is no one amongst the Hindus here who is thoroughly informed with regard to the details of the administration in Sind. In this connection I may say that as soon as the names of delegates to the Round Table Conference were announced by the Viceroy I sent a telegram to the Viceroy saying that very likely the question of Sind would be raised, and therefore it was necessary that, as members of the Muslim community had been appointed delegates to this Conference, a Hindu member acquainted with Sind should also be appointed, so that he might be able to deal with the details of the administration in that connection. I myself am not in a position to deal with the details that have been brought forward here, but I do know that as far as the details of administration are concerned there has been a difference of opinion amongst the several agencies which have considered this question.

For instance, the Government of India themselves feel that there is a difficulty about Sind being made a separate province in regard to its meeting its day to day expenditure. The same view has been taken by the Bombay Government and has also been endorsed by the Report of the Central Committee. There is a difference of opinion amongst the Hindus and Muhammadans with regard to the province being able to maintain its day to day administration from its own funds, and on that point the Government of India and the Bombay Government have said that the question requires fuller consideration from that point of view.

From the general point of view, therefore, I am opposed to the principle of creating provinces in India with a view to giving the majority to one community or another. If our object is to weld all India into one nation, I think we should discourage this

principle of creating provinces in order to create majorities for one community or another community here and there. If Sind could be considered as a problem of the redistribution of the provinces in India from the administrative point of view, I should have absolutely no objection. A Boundaries Commission might be appointed, as suggested by the Government of India, and that Commission would deal with the question of the redistribution of the provinces, and in that way the question of Sind would also be considered; and whatever the recommendations of the Boundaries Commission might be they would be agreed to by all the parties concerned. But if Sind alone is to be picked out and the question of Sind alone considered, it assumes an aspect which has become communal, and up to now it has been put before all of us as a communal question.

Sir G. Hussain Hidayatullah : Not at all.

Dr. Moonje : It has been put before us as a question to be considered in the interest of the minority, and therefore I am opposed to the question being considered, on the principle that we cannot subscribe to the idea of creating provinces with the object of creating majorities for one community or another community. If it had been considered as a part of the larger subject of the general re-distribution of provinces I should have no objection, and I therefore propose that this question be disposed of by our recommending the appointment of a Boundaries Commission, which will consider the question of Sind just as it will consider the question of Orissa and the question of the demand of the Karnatak and several other demands of a similar nature.

Mr. Foot : Which was the last question you mentioned?

Dr. Moonje : There is an insistent demand that Orissa should be separated and there is also a demand from the Karnatak. That demand was very insistent in the Congress, but the Congress has vetoed this Round Table Conference and therefore those people are not here. Mr. Jinnah will know how insistent was the demand in the Congress that the Karnatak should be formed into a separate province.

All these questions could be considered if we were to recommend the appointment of a Boundary Commission, which might consider the question of Karnatak and the questions of Orissa and Sind, together with any other such questions as might come up included in the question of the re-consideration of Provincial Boundaries. That Commission could enquire into the details and settle the question finally one way or another as to whether the province of Sind, if separated, could be self-supporting from the financial point of view, and whether it should be joined to some other provisos, or any other recommendations which the Commission might make from the point of view of administrative convenience.

My concrete proposal therefore is that this proposal should be disposed of by saying that a Boundaries Commission should be appointed to consider all these questions.

• *Chairman*: I should like to remind the sub-Committee of what the Government of India says. In paragraph 21 of their Despatch they say:—"The two particular cases to which the Commission themselves give their attention are Orissa and Sind." Leaving out Orissa for a moment, they say, "The claim of Sind to be a self-contained unit has become increasingly prominent in recent years. The preponderance of the local population is Muslim, and their claim to separation from the Bombay Presidency has been ardently advocated. Neither on Orissa nor on Sind are we yet in a position to tender final advice." I do not think Orissa is a communal question?

Dr. Moonje: No.

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Chairman: You see, they are treating them both alike. They go on "but we urge that enquiries be set on foot at the earliest possible date. We should not contemplate entrusting the task to a single Boundaries Commission. The two problems are not connected, and we would suggest investigation by two separate committees. We wish to emphasise the need for expedition in reaching conclusions on these two outstanding cases We conceive that the Sind Committee will be concerned primarily with the administrative and financial aspects of separation, for the question is not one of boundaries." That is what the Government of India say about it, and I think that probably most of us in this sub-Committee would agree that, however good the arguments are that we hear about financial credit and being able to be self-supporting, it would be impossible for us, with the information before us here, to come to any conclusion about that; that would obviously need enquiry by a special committee.

Sir Abdul Qaiyum: It is not a question, Sir, of separating Sind from Bombay, because it is already a separate unit. Its administration is separate and it has a separate existence as unit, unlike the other tracts which have to be considered by the Boundaries Commission. A separate administration already exists in the country.

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Chairman: It is the same sort of claim as that of Burma; that is to say, that it is geographically distinct from Bombay province and distinct in its language and its customs.

Mr. Jinnah: May I say a few words? I quite agree with the observations which have just fallen from you, Sir, when you were reading the Despatch of the Government of India, namely that some competent authority will have to make the financial adjustments. To that extent I entirely agree with you.

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Chairman: Or even to consider whether it is possible for the province to be self-supporting?

Mr. Jinnah: No, Sir, if you will allow me to say so. The position is this. Let us take one proposition after another. The first proposition is that Sind has an administration which, generally speaking, is quite separate from that of Bombay.

Chairman: Largely separate.

Mr. Jinnah: For all practical purposes it is separate except in this, that they send their representatives to the Bombay Legislature, and perhaps once in a blue moon some question crops up with regard to Sind which is discussed or debated in the Legislature—some matter of general importance. But for all practical purposes Sind is separately administered, as has been pointed out by Sir Ghulam Hussain Hidayatullah, who himself was a Minister for many years and who now holds the portfolio of an Executive Member of the Government of Bombay. Sind is also completely independent—I do not say practically independent but completely independent—so far as judicial administration is concerned. It has got a Chief Court, and the Judicial Commissioner's Court is the highest Tribunal, the appeal from there lying to the Privy Council direct.

Chairman: I agree; I think it is a very striking fact that it is not under the Bombay High Court.

Mr. Jinnah: Therefore those two propositions stand out very clearly before us. The only question is whether after the separation has been effected, and after the financial adjustments have been determined, Sind will be self-supporting. That is the question on which I should like to say a few words.

Now, Sir Ghulam has pointed out to you how it is that Sind has been shown as a deficit province. Some of us know a good deal about the history of it and are fairly well acquainted with it, and we have clearly shown you how these figures can be manipulated and have been manipulated. I do not say it has been done dishonestly, but for various reasons certain adjustments have been arrived at which are manifestly unfavourable to Sind—manifestly unfavourable. That being so, on paper Sind is shown as a deficit province, but in fact Sind is not a deficit province. If I may speak for a moment on behalf of Bombay, if Sind is permanently a deficit province may I know why the Government of India should bless us with that province for ever? I think the turn of somebody else might come now. We have borne this for a long time if it is true. It is not true; I do not believe it; but if it is true, why have you chosen Bombay to bear this burden in perpetuity? I think it is high time somebody else should relieve Bombay of this white elephant.

But it is not so, and I want this sub-Committee to realise that. I therefore desire to propose a formula for this sub-Committee, and this formula has been discussed at very great length by some of the foremost men in our country. Even the Nehru Report, which considered the question of Sind very carefully, recommended that Sind ought to be separated. I can say this speaking with a knowledge of the Indian National Congress extending over many years. I do not see eye to eye with the Congress now, and I have ceased to see eye to eye with the Congress since 1919, but before that I was a very active member of that great body, and I can tell you from my own knowledge what their view is; and I would refer you particularly to the statement of the late Mr.

Harchandrai, which was quoted by Sir Ghulam. Mr. Harchandrai was a most prominent Hindu leader in Sind for very many years, and he was a prominent Congressman, and he really was a very able leader. As far as I remember the Hindus of Sind were the first to see the urgency of this question. They felt that Sind was nothing but a Cinderella of the Bombay Presidency, and they protested against the position of a Cinderella which Sind occupied. She was only brought in for a moment when it was necessary and was then dismissed from the picture of the Bombay Presidency.

He protested against that over and over again in resolutions passed by the Indian National Congress urging upon the Government to separate Sind.

Mr. Chintamani: Where?

Mr. Jinnah: In the National Congress.

Mr. Chintamani: A resolution on Sind?

Sir S. N. Bhutto: Yes, at Karachi in 1913.

Mr. Jinnah: I am speaking of the time of Mr. Harchandrai Vishandas, when Mr. Harchandrai Vishandas moved the resolution at Karachi. But I was going to point out something more than that, that for the purpose of the constitution of the Indian National Congress the representatives of Sind insisted that in our constitution Sind should be treated as an independent and separate province and not as a part of the Bombay Presidency; and if you will look at the constitution of the National Congress you will find that Sind is treated as a separate province.

Mr. Chintamani: But the Congress recognised provinces on a linguistic basis, and therefore they recognised various places separately.

Mr. Jinnah: No, I beg your pardon, if you will allow me. For the purpose of voting, the number of representatives who are allowed to vote on education, Bombay Presidency was taken as one and Sind as another item for the purpose of voting.

Dr. Moonje: When was that, Mr. Jinnah?

Mr. Jinnah: That was many years ago.

Dr. Moonje: I shall require to be reminded of that.

Mr. Jinnah: I know, because you know nothing about Sind. You said that yourself.

Dr. Moonje: I said I knew nothing about the details. The Congress is a matter with which I am quite familiar.

Mr. Jinnah: You may take it from me Dr. Moonje, that the statement I am making is quite correct, and if you like I can easily verify it. I think your own office, Sir, probably has a copy of the old constitution of Congress, and if you will ask the office to enquire into it you will find that my statement is perfectly correct, that Sind was treated as separate from Bombay Presidency in the Indian National Congress Constitution. But, of course, that is not the last word on the subject; it is only a matter of

argument. Therefore I would definitely propose this formula, that Sind should be separated from the Bombay Presidency, and a Committee should be set up to give effect to the separation of Sind as a separate Province simultaneously with the coming into force of a new constitution. Sind, after such separation, shall bear its own administrative expenditure; that is, after it is separated. The Sind Committee shall also determine what financial and administrative adjustments are necessary and equitable consequent on such separation. Therefore the Committee will have to decide this, the question of financial adjustments, including, of course, the question of the financial burden arising out of the Sukkur Barrage scheme. Once that adjustment is determined by a Committee, on equitable lines both to Sind and to the Bombay Presidency—because although I am strongly supporting the separation of Sind I am not forgetting the interests of Bombay also, and therefore the adjustment must be on an equitable basis—subject to that, when Sind is separated, then it must bear its own expenditure on administration. I do not want to take up the time of the sub-Committee any more, but Sir Ghulam has, I think, satisfied any reasonable man that if Sind is separated and if Sind is allowed to conduct its own administration it will not be a deficit Province, but will more than meet all its administrative expenditure in the future. That is all I have to say.

Chairman: Would you mind dealing, Mr. Jinnah, with the difficulty that rather oppresses my own mind. We have the rather important authority of the Simon Commission against separation, chiefly on financial grounds, and we have the very strong expression of opinion from the Bombay Government that it must be a deficit Province of about 60 lakhs. Now, is it not rather difficult for us here, merely on a statement, however reasonable it sounded—and it sounded very reasonable—that Sir Ghulam Hussain has just made, to turn that down completely and say we do not believe it and are satisfied that the Province need not be a deficit Province; and if we are not satisfied that it is not going to be a deficit Province, is it reasonable that we should put that burden of 60 lakhs on the Central Government of India? That is the difficulty. You appreciate that, I am sure.

Mr. Jinnah: I quite see your point, Sir. To that I have given my answer already. I said that there is not sufficient data given really. When you examine the figures of the Bombay Government you will find that they will not stand, and that is the data. After all, what is the data. It is all very well to say that Sind will be a deficit Province to the extent of 60 lakhs. The answer to that is, why do you say that? That is the next question, and if you examine the data—well, it disappears. What more do you want, what further commission do you want. My answer is that; but I go a little further. If I cannot convince you, and if you still say, "Well, somebody says it is going to be a deficit Province notwithstanding all these figures which are before us, notwithstanding all these facts that are before us, because somebody has

said it will be a deficit Province, therefore I cannot make up my mind"—well, then, I cannot carry it any further, except this—

Chairman: I do not say it is going to be a deficit Province, but you and I, I think, probably both have sufficient experience of discussion about figures to know that it is very difficult to know what the real result will be until something like a financial committee, with financial understanding and a lot of details, gets to grips with the thing. It is very difficult to make up your mind on general statements, one side or the other, on a question of figures.

Mr. Jinnah: At present I am not satisfied—I frankly say this—I am really not satisfied with any data of any reliable character which will make me say that it will be a deficit Province after it is separated. I am not satisfied; on the contrary—I mean, this is my view—I am absolutely satisfied, from the knowledge that I have of these figures and the way in which they are put, and so on, that Sind will be self-supporting. This is my view.

Chairman: Yes. You know much more about it than I do; but am I justified in saying that I am prepared to sweep away these figures of the Bombay Government.

Mr. Jinnah: No, Sir, I do not say sweep them away; I say let us examine them. Surely, after all, if this sub-Committee is going to do any work of any importance you must apply your mind to it more definitely than that—merely saying that so and so says No, and we can do nothing.

Chairman: I am quite prepared to apply my mind to it, but have we got information here that will enable us to come to a conclusion?

Sir S. N. Bhutto: We have done our very best for the last 10 years continuously to get correct figures from the Bombay Government but we have failed to do so; we have not been able to get them. Whether there are any real difficulties in the way of the Bombay Government, or whether they have got no mind to supply us with exact and correct figures, I do not know; but it is very difficult for us non-officials to work out these separate figures without having access to Government records.

Mr. Chintamani: Then how did they arrive at the conclusion?

Mr. Jinnah: Unless you want to supplement what I have said, may I finish. I have not given the answer to your question yet. I want to complete my answer. I said, therefore, supposing I cannot persuade this sub-Committee to take the view I am taking, and supposing this point still stands out, that there may be a deficit of 50 or 60 lakhs—well, my answer to that would be that I would beg of this sub-Committee even to take that risk. "Very well, then," I say, speaking for Bombay, "please relieve us of the 60 lakhs of rupees, and let the Central Government bear it until such time as it may no longer be necessary."

Chairman: I am perfectly willing to apply my mind to it, but you and I, as lawyers, know that if we were to go into this

we should have to have the Government of Bombay's accountant before us and examine and cross-examine him on the figures, should we not?

Mr. Jinnah: Then there is one more thing I want to say. I think you, Sir, have sufficient experience of the world and of life to remember that in matters of this kind there are some interested parties; there are vested interests; there may be commercial interests. All over the world it is so. They naturally only look at it from their point of view as a class. There may be a commercial class; there may be a Service class; there may be certain people who think that probably if there is a change in the constitution they may suffer in respect of their jobs or may lose their jobs. In this world we have always got these vested interests who are thinking of themselves and nothing else. After all, they are concerned with their own immediate lives and they do not want to be disturbed in the comfortable position in which they find themselves in Sind. But I would beg of this sub-Committee to look at the question not from the point of view of a particular class or section, or interest; I would beg of this sub-Committee to look at it from the point of view of the good and the happiness and the interests of the people of Sind.

Dr. Moonje: Yes, quite.

Sir Muhammad Shafi: Mr. Chairman, may I just say a few words? The argument last addressed to you by my friend Mr. Jinnah is the real argument in the case. If the sub-Committee is satisfied that in the interests of the people of Sind or their welfare it is essential that Sind be separated from Bombay, then the mere fact that some authority has said that Sind is a deficit Province to the tune of something like 60 lacs is, I venture to think, no ground whatever for refusing to separate Sind from Bombay Presidency.

And in this particular case I would like to put it to you, Sir: What will be the result when from 1932 the Sukkur Barrage scheme is in actual working order? The Barrage has been completed; I have seen it with my own eyes only a few months ago. I happened to be in Sind for over three months in connection with a very important case in Sind; I made certain enquiries, and I am personally going to tell you something about the results of those enquiries. But at present let me deal with this particular point. You know what happens when a scheme of that kind is actually started. Sind will no doubt take a leaf out of the book of the Punjab in that respect. In the Punjab whenever the constructive portion of a scheme of that sort is completed, what happens? There are hundreds of thousands of acres of land lying barren. Some of these lands belong to Government. The Government sells its own land by auction, and, as a result of the proceeds of the auction sales, it reimburses itself the expenditure which it has incurred in the construction of that scheme, if not wholly, certainly in part, with the result that interest on the original loan which has been taken

from the Government, immediately after these auction sales is cut down by payment of the loan in whole or in part. But the result when the scheme is set into operation is this: Hundreds of thousands of acres of barren land having become subject to irrigation, the annual revenues of the Government at once go up, and go up by a sudden jump. I am a zemindar and have had something to do with the work. For years and years I was a member of the Punjab Legislative Council before the introduction of the Minto-Morley Reforms, and therefore I know the whole history of the Punjab Irrigation scheme. I have visited the Punjab colonies myself and I have seen things with my own eyes, and the results of those things.

Let me tell you one thing. Lyallpur district alone now yields to the Government a crore and a half rupees in land revenue. The District Board of Lyallpur, now, as a result of this Irrigation scheme, has an income of 25 lakhs a year. That is the District Board alone. The results of the Sukkur Barrage scheme within a few years, within at the most 6 or 7 years, will be that Sind will become, bearing its area in mind, one of the richest Provinces, proportionately speaking, in India. In fact, Sind and the Punjab together will become one of the main granaries of the world when the Sukkur Barrage scheme is actually in operation. To talk of Sind in those circumstances as a deficit Province, not to be separated from Bombay even if the happiness and the welfare of the people require that separation, is, I venture to submit, an argument which ought not to appeal to anyone.

Now, coming to the main question, I admire the modesty of my friend Dr. Moonje. So far as his observations are concerned, I will deal with them in a couple of minutes, then he can go, and then I shall discuss the question independently of what he has said. I was going to say that I admire the modesty of my friend Dr. Moonje—

Dr. Moonje: I am a very modest man.

Sir Muhammad Shafi: When he said to us at the commencement of his observations that he was not in a position to express any opinion upon the administrative difficulties, as no Hindu representative of Sind is present here on this Committee. Well, Dr. Moonje knows, and we all know, that this question has been the subject matter of discussion in India for the last four or five years.

Sir S. N. Bhutto: 20 years.

Sir Muhammad Shafi: I mean the subject matter of discussion and controversy; that is what I mean.

Sir G. Hussain Hidayatullah: Yes.

Sir Muhammad Shafi: Although during the earlier years there was no controversy about it at all, as shown by my friend on the right, Hindus, Parsees, Europeans and Mussalmans, not only in Sind but outside Sind, were all agreed that it was an injustice to Sind to keep her tied down to the apron-strings of Bombay. It

is only during the last 4 or 5 years that, for certain reasons into which I will not go, this matter has become a subject matter of controversy; and My Lord, in that controversy my friend Dr. Moonje has been taking a leading part.

Mr. Chintamani: Has the controversy been financial and administrative, or communal?

Sir Muhammad Shafi: No, no; excuse me, Mr. Chintamani. You know me very well.

Mr. Chintamani: I want information.

Sir Muhammad Shafi: My point is this, that in that controversy, those who are opposed to the separation of Sind must have satisfied themselves by enquiry—whether rightly or wrongly is a different matter—whether all these difficulties exist.

Mr. Chintamani: You do not know whether they actually did satisfy themselves.

Sir Muhammad Shafi: And therefore must have knowledge of the conditions obtaining in Sind.

Dr. Moonje: May I inform you, Sir Muhammad Shafi, that this financial aspect was considered very carefully in the report of the Nehru Committee, and they found that financially Sind could not be self-supporting.

Mr. Jinnah: According to the Bombay Government, the extent to which it cannot be self-supporting is only sixty lakhs; that is all, and my friend has shown how that deficit of sixty lakhs came about. Until 1922 it was not a deficit province at all, but in 1922 capital expenditure was included amongst the ordinary expenditure of Sind without debiting against that capital expenditure the valuable assets which government had gained. But, apart from that, I have already placed my argument before you in view of the future prospects of Sind. The deficit, being only temporary, ought not to stand in the way of separation.

Chairman: I think 1946 is the date when profits are expected from the Barrage.

Sir G. Hussain Hidayatullah: We are selling land now.

Mr. Jadhav: But you are not realising the expected price. The programme will have to be extended for some years.

Sir M. Shafi: There is a temporary fall all over the country. You have seen that Sind has no geographical connection with Bombay at all. By sea it takes forty hours to reach Bombay from Karachi. On land you have Indian States intervening and other British territory intervening and it takes forty-eight hours to reach Bombay from Sind by train. Bombay has no geographical connection with Sind and it has no ethnographical connection with Sind at all. It has no connection of any kind.

Dr. Moonje: Yet the people do not want separation.

Dr. Moonje: The people of Sind do not want it.

Sir G. Hussain Hidayatullah: The people of Sind do want it.

Sir M. Shafi: You know very well I can reply to your interruptions, but want to finish my argument. The overwhelming majority of the people in Sind want separation—not only the Muslims but the Hindus and the Parsees and Europeans and others. They all want separation.

It was a mere accident, Sir, that at the time when Sind was conquered the army in India was divided into three separate commands, the Bombay Command, the Madras Command and the Northern India Command. It was not under one command, as it is now, and it was the mere fact that it was the Bombay Army that took possession of Sind, being the nearest to it, that made Sind a part of Bombay; otherwise there was no reason whatever for its annexation to Bombay.

What has been the stepmotherly treatment that Bombay has extended to Sind? When I was in Sind one thing that struck me more than anything else was the fact that though Sind has been under the control of the Bombay Presidency for nearly a hundred years, even now no University has been established in Sind. Sind ought to have had a University of its own a long time ago. No Government College—engineering, medical, or even arts—has been established in Sind up to this time, with the result that the students from Sind who pass their matriculation examination and want to prosecute their studies further have to go to Bombay, a thousand miles away from their homes, in order to receive University education in Bombay and to obtain their University degrees.

Mr. Jadhav: Are not there two colleges in Karachi?

Sir S. N. Bhutto: They are private aided colleges.

Sir M. Shafi: I say there is no government college. The people of Sind may have been enterprising enough to establish a college or two in Karachi, but Sind is not Karachi; that is beside the point. What I am pointing out is this, that the Government of Bombay has done nothing whatever for Sind during the time—nearly a century—of Bombay rule in Sind. You have already seen that even road construction has not been undertaken. I myself drove a motor across those roads in the last three months, and I know that the roads in Sind are like.

Mr. Jinnah: Like a switchback railway?

Sir M. Shafi: Yes. The judicial system in Sind is absolutely independent of Bombay, and the executive system is really practically independent of Bombay. The Hon'ble the Commissioner in Sind is a local government for Sind.

Sir G. Hussain Hidayatullah: Responsible to himself only.

Sir M. Shafi: Therefore there is judicial separation from Bombay already and executive separation from Bombay already. For certain purposes only Sind is kept under the thumb of Bombay.

with the result that from an administrative point of view this enforced relationship between Bombay and Sind is in the highest degree detrimental to the province of Sind, and is in the highest degree injurious to the people; instead of promoting the welfare of the people of Sind it has injuriously affected the welfare of Sind.

Separation will not in itself cost Sind much.

Sir S. N. Bhutto: It is going to be a Chief Court now.

Sir M. Shafi: That need not be given the status of a High Court on separation; when Sind becomes self-supporting, then will be the time for Sind to raise its status to that of a High Court. I think the Hon'ble the Commissioner of Sind—the only Commissioner who has that title—should become the Governor.

Sir G. Hussain Hidayatullah: He is responsible to himself only.

Sir M. Shafi: Yes. As a matter of fact, Sind is already separate; what we want is that that separation should be recognised and that Sind should be constituted into an independent province. Every department in Sind has got its own head. There is even a separate C.I.D. for Sind, whose operations I saw in connection with the case in which I was defending one of the leading landowners of Sind.

It seems to me that not only is the separation of Sind essential in the interests of Sind and for the sake of their welfare, but as a matter of fact Sind is already separate, and all that is required is a recognition of that separation by government. The argument relating to administrative difficulties, has, I submit, been clearly countered by my friend, who has shown that the administrative difficulties, if any, which Sind has to face are really a ground for the separation of Sind from the Bombay Presidency, instead of being a ground for continuing Sind as a part of that Presidency. I submit that this question really ought to be decided on its own merits, and that it ought to be looked at from the point of view of the happiness and contentment of the people of Sind. I therefore support the proposal made by my friend.

Chairman: The proposition in the form in which you submit it is a much easier one for me to accept in my mind, because you do not ask me to find yes or no whether it is true about the deficit but you say that even if there is a deficit—

Sir M. Shafi: I do not admit it.

Chairman: You say even if there is a deficit, separation is necessary on other grounds.

Sir Muhammad Shafi: I say it is essential.

Chairman: I understand. I am afraid we must adjourn now.

Mr. Chintamani: Before you adjourn, and before you call upon the next speaker, I must request you for a ruling on the proposition that we should make no recommendation about separation for Sind, but should recommend that a boundary commission

should be set up—whether we can take that course or whether we can only deal with the separation of Sind under our terms of reference. I ask for your ruling now on that point, because your ruling on it will greatly influence the course of the discussion.

Chairman: It is a little difficult to say. I am not quite sure that it is out of order to recommend that the matter be referred to a boundary commission, because it would amount to saying that we did not feel able to make a recommendation. I do not think it will be out of order, but I think it will be very undesirable, and I think it would be failing in the duty which the Conference is expecting of us.

Mr. Chintamani: If you think it is in order, it will be open to the majority of the Committee, if they are so minded, to say that not only the constitution of Sind as a separate Province but also the constitution of other Provinces should all go to a boundaries commission.

Chairman: That, I think, would be out of order.

Mr. Chintamani: Quite so. If, on the contrary, it were held that it may be for the Conference to decide such questions, we are a small body charged with a specific duty only with regard to Sind, and we are to confine ourselves to that, then no time need be wasted on the discussion of the bigger problem.

Chairman: I think it would be clearly out of order to discuss the bigger question of the separation of other Provinces.

Mr. Chintamani: I ask for your ruling as to whether it would be in order for this Committee to consider the recommendation regarding boundaries commission dealing with many things.

Chairman: No. I think not. It would be in order if you like to put in in the other form.

Mr. Chintamani: It is not that I want to put it. I should like a ruling, that is all.

Chairman: What did you actually move, Dr. Moonje?

Dr. Moonje: I moved in this way—that the question of Sind be considered as a part of the larger question of the redistribution of Provinces which are demanding separation.

Chairman: I think that would be clearly out of order here.

Mr. Chintamani: That is just what I wanted to get. I express no opinion. I wanted your ruling.

(The sub-Committee adjourned at 1-35 p.m.)

PROCEEDINGS OF THE SECOND MEETING OF SUB-COMMITTEE NO. IX
(SIND) HELD ON 13TH JANUARY, 1931.

Chairman: We might begin I think with this financial memorandum which I have had circulated. I think you have all got it. I want to point out one or two things on the first page. In paragraph 2 you notice it says the average deficit for 4 years up

to 1925 is 24 lakhs; and on the basis of the figures for 1927-1928 it is said to amount to 64 lakhs; and there is no reason to believe the deficit has since decreased. Then it goes on to say it will be swelled by creating two new administrative districts consequent on the irrigation, and that is estimated at 6 lakhs.

Then in paragraph 3 you will see the extra cost of maintaining Headquarter establishments in the Provinces is put at 9 lakhs. Then there is a mention of the debt of Bombay.

Paragraph 4 sums it up by saying "Thus it is likely that the Budget of a separated Sind would show an annual deficit amounting to between 50 and 90 lakhs of rupees."

Paragraph 5 points out that it will be 1936, nearly 20 years, before the Sukkur Barrage shows a profit. Then there is a note behind which goes more into detail about the figures and about the Barrage. It really shows the same thing but in rather more detail.

Then at the top of page 4 you will notice it says, "To meet this deficit, Sind has no greater prospect in the immediate future of additional revenue than has the rest of the Province".

Then lower down it says, "Apart from fresh taxation, Sind could therefore only rely on the general increase in such revenues as Excise and Stamps due to an advance in prosperity and population, and to the additional revenue expected from the Sukkur Barrage."

Raja Narendra Nath: Is this the new one?

Chairman: Yes, the one which has been last circulated.

Then at the end of that you have the figures in detail. We have a great many more figures besides these, but I think this includes the important ones. However, the point is that that may go to show that on any calculation which can reasonably be made it looks—and there is really no evidence to the contrary—as if Sind would be a deficit Province.

I do not suppose that the Committee will want to go into any minute examination of figures because, as I suggested to Mr. Jinnah yesterday, I do not see how we could profitably do that. But it does look, upon the evidence before us and before the figures we have been able to get, as though there will be a deficit of between 50 and 100 lakhs if Sind is a separate Province. That would be met at present by the general revenues of the Bombay Presidency. If Sind is separated, where is that to come from? Can you get that by increased taxation? If not, are you going to look to the Government of India for a subsidy—because that will put them in a difficulty. Then you have also to remember that if it is a deficit Province and the revenue is short of the expenditure it must naturally scribble all advance in education or social services or construction of roads or anything of that sort—the Province would be in a bad way. All that affects not merely finance but the administrative desirability of separating it, and

these really are the questions to which I should be glad if the Committee would address their minds.

Mr. Isaac Foot: Before the general question is gone into, I should like to mention a question of procedure. I assume that in the time at our disposal it would be impossible for us to make anything like an exhaustive examination of these figures. We are not here for a month, you see, and it is contemplated that the Conference will be coming to a close at the latest in the early part of the next week.

Chairman: Not only that, Mr. Foot, but we have not the information from the experts.

Mr. Isaac Foot: I can quite understand that Sir Abdul Qaiyum or Sir S. N. Bhutto will be able to give that they think would be the answer to several points that have been raised here; but speaking for those of us who are on this side of the world, I should find it very difficult to make up my mind upon the points here submitted without a very much more exhaustive enquiry than could be possible in the very short time at our disposal. I hope, therefore, we shall not be asked, in this short time at our disposal, to go into this matter so thoroughly that we could make up our minds on these financial questions. I am not speaking about the general question as to the advisability of separating Sind, looking at it academically; but I assume it would not be within the power of this Committee to go into this matter so exhaustively that an opinion could be expressed; we should not be able to do so unless longer time is given to it.

Chairman: That is what I was putting to the Committee, that I did not suppose that they would want to argue in detail about these figures; because argue as we may we cannot come to any conclusions as we have neither the time nor the details.

Mr. Isaac Foot: These papers would be simply received without prejudice—that is to say, by the receipt of these papers we do not commit ourselves either to their complete accuracy or otherwise.

Chairman: These papers here?

Mr. Isaac Foot: Yes. We simply receive them—that is all.

Chairman: I am not suggesting that upon an enquiry some of these figures might or might not be modified. This is all the information at our disposal at the moment. It is, of course, official information.

Sir S. N. Bhutto: Perhaps I may be permitted to submit to the British Indian Delegates as well as to the European Delegates that they will consider our case sympathetically. We are demanding the separation of Sind on the same principle as that on which the whole case of the British Indian Delegation is based, and on the very principles—if I may be permitted to mention it—on which you sacrificed so much during the late titanic War. The best flower of your manhood sacrificed their lives simply to help the weak in the principle of self-determination. In this case we

are comparatively very weak between the two powers—the Government of Bombay and the Government of India.

We do not believe for a moment that our Province is a deficit Province. No one could be more loyal to us than ourselves. If we knew that our Province was a deficit one and that we were going to be crippled by separation, would it be in our own interests that we should insist, or that the people could have made up their minds to insist—which they have done—upon it? Our people's cup of misery is full; they cannot wait any longer.

If we admit for the sake of argument—though we do not believe it—that Sind is a deficit Province, may we just consider that aspect for a moment? Why should Bombay Government be so anxious to retain us and be so interested in us when their own finances are in such a hopeless plight? It may be that the Meston Settlement is responsible to a very great extent for the financial plight of the Bombay Government, and some of their own ambitious adventures; but the fact is there that for the next 60 years the Bombay Government may continue to be in a hopeless state. We cannot expect any improvement whatever if we continue to remain part of the Bombay Government.

So far what has been done? We are grateful to the Indian Government to some extent. Our case is not like that of other provinces such as Baluchistan, N.-W. Frontier, Ajmere. But from the Province of Sind the Indian Government's revenue would be about 2 crores of rupees; and even in regard to the Lloyd Barrage scheme, whatever the effect of the Barrage may be, at least the Government of India is going to receive over 70 lakhs additional revenue from Sind. As we have been neglected by both Governments for 82 years, even if for the sake of argument I say our Province is a deficit Province, when the Government of India receives 2 crores from Customs, Telegraphs and Posts, Railways and Income Tax—all these are central subjects—if we could receive charity from the Bombay Government, why should not the Government of India come to our rescue for a very short period, say for about 10 years? It will not be of much assistance to extend temporary help.

It is a matter of history, Sir, that ever since Sind came into existence up to the advent of the British Raj it has preserved its individuality; but I am not going to repeat all the arguments that have been already advanced, and I have submitted a short note constituting the facts for the consideration of the Committee. But let us see what we have suffered. In the first instance the Government of India was very sympathetic to the case of Sind. A few years after the conquest by the British Government the Government of India addressed the Bombay Government in regard to the Land Revenue system in the Province of Sind, that the Sind claim was to be quite different from that of the Rayati system in Deccan; and that the case of Sind should be considered upon its own merits because we were the owners of the land—the system in Sind was not the same as that prevailing in the Presidency

proper. However, the Bombay Government took no notice of that and enforced the system of land revenue that they had in the Presidency by which we lost all our rights of ownership in regard to our properties. That was the first consequence of our being placed under the Bombay Government.

As a test case one of our educated Hindu zamindars took the matter to the Court and succeeded in getting his fallow-forfeited land back; and the Government had to amend the Land Revenue Act. That handicapped us by depriving us of our ownership permanently.

What has been the further consequence of the far distant land revenue system? The agriculturists are absolutely starving. This unfortunate class of His Majesty's subjects throughout India is in a very bad state, but in Sind particularly it is a problem of bread. It is not a question, as we say here, of one meal a day; because in England they get at least a cup of tea and at least they have a piece of mutton once a day; but out there they live on dry jwari bread once a day; they cannot afford even to have medical aid, they cannot afford to provide medicine for their children, and even when they or their near relatives die they cannot afford to provide coffins for them. That is the state of the agriculturists. The zamindari landlords are being reduced to absolute beggary; their lands are passing away; they cannot afford to pay to the Government the heavy assessment; there is no value left of the property; they are not sufficiently educated to enter into the Government service, and they have no money for business. There is no other remedy but to give them their own Government to avoid the calamity that is pending.

You, Sir, said that if we are immediately separated progress will be handicapped. Consider the position for a moment. During the last nearly a century that we have been under the Bombay Government, what progress have we made? Our irrigation is the old type of irrigation which returns to the Bombay Government about 12 or 13 or 14 per cent. Except for one canal—the Jamras—they have made absolutely no improvement. In spite of the fact that the Government of India issued an instruction to the Bombay Government in 1913 on the recommendation of the Committee they appointed, no notice was taken of those recommendations. The last important document you have available is the Hartog Committee's Report. That is the last valuable and reliable document you have got. If you will refer to that document you will see how even up to to-day the Bombay Government has treated our education. It was stated yesterday that we have not a single Government college in the Province of Sind, while they have so many colleges in the Presidency proper.

Mr. Jadhav: How many?

Sir S. N. Bhutto: Even a backward Province like Baluchistan can claim pukka roads, but we cannot claim a single pukka trunk road.

We have only Local Board dispensaries at a distance of 15 or 20 miles. Except at District Headquarters there is no Government dispensary.

We receive very meagre help, not even 10 per cent, from the Government of Bombay. Although the dispensaries under the Local Authorities are kept open they have on occasions no medicine to supply. Medical help, agriculture, irrigation, roads, education—everything is in a mess. It is a mystery to us on what the Bombay Government spend the money while we are proved to be a deficit Province. In these circumstances, if we were separated we should not be worse off than we are at present.

My feeling about the Bombay Government is that what they are afraid of is their prestige, and is Sind to be allowed to be penalised for the prestige of Bombay? If we are excluded from Bombay we may be reduced to a third-rate area, but Bombay will remain a Presidency even if it is reduced to Greater Bombay City for historic terms are most stubborn. But I submit that we should not be made to suffer on that account.

At present we have, in Karachi the main air mail station in Sind. Mesopotamia is developing; there is a possibility of the Baghdad railway which will capture the whole business of Mesopotamia by land and sea. Then, again, we are two days nearer to England than Bombay. If we had our own Government surely we would insist on the development of our port—the P. & O. mail steamer would first come to Karachi and then to Bombay, and so on. Bombay is afraid that by means of these natural advantages Karachi may become the door of India. In a short time we shall have fast train service with Cawnpur and Delhi, and we could capture the whole of the business of the two Provinces of C.P. and U.P. The Punjab and N.W. Frontier are already served by Karachi Port, so that Sind will capture the whole of the business of Central India—including United Provinces and the Delhi Province.

The two biggest political organisations in India, as we submit—the Congress, the Muslim League—have supported our claim; the non-official and moderate Europeans, Hindus and Parsees support the separation of Sind. Non-official Europeans, headed by Sir Montagu Webb, have supported the separation of Sind, as have also European officials who have retired from the Service. Of course, when they are in service they have difficulties to face, although they are sympathetic to us. They feel for the Province of Sind, but, owing to official etiquette, they cannot commit themselves in this connection. In the last 17 years we have had three Commissioners, who have now retired, and I am sure that if they were called here to be examined they would give you the real history of Sind and tell you what they feel about it.

What is more, in the present circumstances there are no reforms for us. Unfortunately it is not possible for the Bombay Government to give us attention as their time is too much occupied in other directions; it is impossible for them to manage or to have

direct control of, or to take an interest in Sind from a distance of 1,000 miles by land.

The result is that the Commissioner in Sind is invested with most of the powers of Government. I admit that we have been very fortunate on occasion to have had very good Commissioners. We have got a very good Commissioner now, and we have had good ones in the past; but when we get a lazy, proud and wooden-headed Commissioner, we cry "O God, come to our aid."

Chairman: You have not told the Committee, supposing there is a deficit of 60 lakhs, where it is to come from.

Sir S. N. Bhutto: We do not object to your appointing an expert Committee. I am sure we shall get quite a large amount out of the Bombay Government if there is a fair and independent arbitrator appointed to look into the full and the real facts from 1842. If we are not able to support ourselves how could we ask for separation?

We shall be questioned by our people. The people have no money and they are already starving and cannot pay more taxes; but we know that we are not a deficit Province. That is the thing which puts us out very much.

We might have been part of the Punjab if the Punjab had then been British territory. We say that the principle has been already accepted by the Statutory Commission and the Government of India, who recommend a Committee to go into the finances and administrative difficulties. We have proved that there are no administrative difficulties and we ask you kindly to decide that Sind should be separated, subject to the adjustment of the finances. Otherwise, if we do not get justice and fairness at your hands, as the highest tribunal, we do not know where we shall be.

Sir G. H. Hidayatullah: I want now to explain to you about the deficit in one or two words. Yesterday, I praised my countrymen, my Hindu friends, by saying that they were very clever people, and I repeat that praise to-day.

The Government of Bombay's figure of deficit was 24 lakhs. Then comes in my friend, Professor Chabiani, from Sind, who was a non-official but who had access to Government records. I never heard of such a thing, that a non-official should be allowed to inspect Government documents. However, he was allowed to do so and he found a deficit of 64 lakhs. The Government of Bombay, without examination, as is clear from Mr. Wiles's notes, say 64 lakhs in 1927-28. It says on page 2 of this document: "Professor Chabiani was given access to the Accountant-General's records, and his statement will shortly be checked by official figures." They are not yet checked, yet we are told we have a deficit of 64 lakhs.

Mr. Isaac Foot: I take it that you are quoting from page 2 of the Chairman's memorandum?

Chairman: It is on the second page.

Sir G. H. Hidayatullah: Are we going to be treated like this—a non-official is allowed access to Government documents, *ex parte* he collected the figures, and the Government of Bombay quotes these figures and make this Committee believe these figures. My friends from Sind are too clever, and my friend Sir P. Sethna will bear me out. Mr. Shamdasari is concerned only with banking; what trouble he has created in the whole city of Bombay! Is it fair to us that an opponent of the scheme of separation should be allowed access to official records?

I will now take you to the 64 lakhs deficit. These are the figures as my friend Mr. Martin will bear me out. Our way of budgeting in Bombay is that we take the land revenue and general administration together. Sometimes they have been changing the budgeting. Now, Sir, you will see the ordinary expenditure for 1921-22—the expenditure on land revenue and general administration—land revenue is 23 lakhs, and general administration is 14 lakhs; that means 37 lakhs in all; and that is in 1921.

Now look at the jump. This in 1922 when a deputation of Hindus and Muhammadans waited on the Governor and were pressing for a separation. The expenditure becomes 60 lakhs. Where did the money go? Then in subsequent years it becomes 58 or 59 lakhs of rupees.

Now look at the other heads. Take an important head like Police—

Mr. Isaac Foot: Before you leave general administration. In 1923-24 and 1924-25 it jumps up from 19.6 to 44.8.

Sir G. H. Hidayatullah: This is the way of budgeting. They are budgeting separately, so that both are to be taken together. I must be fair to my own Government; they change the heads, therefore I am taking the totals.

Mr. Isaac Foot: I see.

Sir G. H. Hidayatullah: But you will see how rapidly the expenditure has gone up for the administration of the Revenue Department from 37 lakhs to 60, then to 59, and then to 58—that is increased by 21 lakhs of rupees.

Now take Police. That, on the contrary, has been reduced.

Take any other important head and you will see that the expenditure is reduced almost everywhere—take Excise, take Forests—everywhere.

However, within four years that expenditure to which I have referred has gone up by 21 lakhs of rupees.

Let us now take our Land Revenue side on the previous page. In 1921-22 it was 144.2, which includes a portion of the Land Revenue due to irrigation, which is shown in subsequent years under head XIII. So taking both V and XIII together, our Land Revenue has been about 145 lakhs.

Now you see how it is going down. In 1924-25 it has become one crore one lakh. That is a decrease of 40 lakhs. Then on the

administration of the Revenue Department we are spending 21 lakhs more within the four years. Is that fair?

Dr. Shafa'at Ahmad Khan: You mean as a result of your agitation.

Sir G. H. Hidayatullah: I do not know whether it is agitation or not. At any rate, I am taking the figures there. Would any business firm whose revenue was decreasing go on increasing the expenditure in its Departments?

Sardar Sampuran Singh: They must have increased their staff to attend to the land.

Sir G. H. Hidayatullah: No, that is a separate account altogether.

Sir P. Sethna: Was it not due to the rise in salaries?

Sir G. H. Hidayatullah: They have taken into consideration Police and Excise. Do you mean to say only one Department has increased?

Chairman: In that figure of Land Revenue, 144.2, there was included, so Mr. Martin tells me, 25 lakhs working expenses. That was taken off in subsequent years. It ought to be 144 less 25 really. There appears on the next page—Working Expenses 25 for that year.

Sir G. H. Hidayatullah: Then there is a deficit of 25 lakhs of rupees, and the expenditure has increased by 21 lakhs of rupees. I might make it clear to the Committee that land in Sind is worth nothing without irrigation.

Let us now see how much we have spent on irrigation in these four years. Capital Expenditure comes on the third page: five lakhs in 1921-22; 19 lakhs in 1922-23; 51 lakhs in 1923-24; 1 crore 24 lakhs in 1924-25. That means that more land must have come under cultivation and the revenue ought to have increased.

Mr. Isaac Foot: It will depend upon whether the works on which you have spent the capital are yet carrying out the purposes of irrigation.

Sir G. H. Hidayatullah: Already their money has been spent.

Chairman: These 1924 figures include expenditure on the Sukkur Barrage.

Sir G. H. Hidayatullah: That has nothing to do with this, Sir. Where it is construction of irrigation works they say so. That makes it very suspicious.

Mr. Isaac Foot: But do not you see, the point of your criticism is that you are raising questions upon which you ought to be in the position of examining the financial officer, and we or someone ought to hear your questions that are put and the answers that are given. There is no financial officer here in the box to answer the questions that are being put. Your criticism cannot be accepted finally in the absence of the answers of the financial officers of the Departments.

Sir G. H. Hidayatullah: Exactly as we are sitting in a Committee I am showing you that though Revenue is being reduced the expenditure in the Departments is being increased. Is that a fair proposition?

Mr. Isaac Foot: A perfectly fair question; but you yourself will agree that it cannot be final in the minds of anyone who has to decide upon it, because—

Sir G. H. Hidayatullah: We can make that by increasing the establishment; everyone has a deficit in the Budget.

Mr. Isaac Foot: I do not dispute that at all.

Sir G. H. Hidayatullah: Would any business firm increase its expenditure, spend nearly 2 crores of capital expenditure in getting less revenue in?

Dr. Shafa'at Ahmad Khan: Inefficiency of the administration.

Sir G. H. Hidayatullah: Absolutely. Then about the 24 lakhs. Again, if we take the expenditure in 1921-22 it is 2 crores 10 lakhs—that is what the receipts are—and the expenditure is 2.44. In regard to the expenditure I might mention the way of budgeting in Bombay. About the time of the reforms we used to have all money out of the revenue on all expenditure except on the productive works; then we wanted to have loan money spent on works of public utility—

Chairman: I do not want to stop you, but you said you were going to be short.

Sir G. H. Hidayatullah: These figures require explanation. If you take 22 lakhs on civil works it is not a record of expenditure—

Mr. Mody: I want to know Mr. Chairman whether we are or are not going into the figures. I thought you raised the point that that was not competent for us to do. If we are going into the figures we should like to hear Sir G. H. Hidayatullah at some length, but the point is this, are we going into these matters?

Chairman: I do not say it is not competent for the Committee, but it would not be profitable because we cannot arrive at any conclusion. That is all I was endeavouring to point out.

Sir G. H. Hidayatullah: This is only money spent once in a way.

Chairman: I am only showing you what the figures say. We regard to Professor Chablan's figures these were checked and the documents were submitted to the Simon Commission. I have a telegram from Bombay saying the figures for 1927-28 show a deficit of 62 lakhs.

question; but I find here that the representative of the Bombay Government is not going to represent the views of the Government of Bombay but has been insisting upon his views.

Sir G. H. Hidayatullah: You must know my position. I have been sent here to represent the Muhammadan interests, and not to represent the Government of Bombay.

Mr. Jadhav: I do not want to insinuate anything. I have known Sir G. H. Hidayatullah for the last nine years; we have been the best of friends and understand each other better than any other persons I should say.

Sir G. H. Hidayatullah: I might tell you that if the Bombay Government had told me they were sending me to represent them I should have declined, especially in the state of ill-health that I have come here. That is my reply to you. You can ask the Government of Bombay. I was appointed to represent the Muhammadan point of view here.

Mr. Jadhav: I did not know what the directions given to him were, therefore I beg Sir G. H. Hidayatullah's pardon if I misunderstood him.

I am no longer a member of the Government of Bombay and, therefore, I have no right to speak on their behalf.

I must, in the beginning, admit that I myself have not formed any opinion about the separation of Sind or about opposing that proposition, because the data that was placed before me was insufficient. In the first place, I have to admit that my acquaintance with Sind is very meagre. I made only two official visits to that province, and they extended over thirty days and fifteen days respectively, and I do not think that that gave me sufficient knowledge of that province; but one thing was quite plain to me—that the Hindus as a class, as a community, were opposed to separation, while the Mussulmans—those Mussulmans with whom I came in contact or at all events were leaders—were in favour of separation. I do not know what the feeling of the cultivating classes is, because I do not know their language and I had no opportunity of talking to them, but I think they are generally in the position of the horse in *Æsop's fables*. When its owner wanted it to run very fast so as to escape from his enemy, the horse asked the rider what the enemy would do if he were caught. The rider said he would be killed. The horse said, "What about me?" "Well," said the rider, "he will ride you." Then the horse said "Why should I trouble myself? If someone is to ride upon my back it would be much better for my comfort that I should remain where I am."

Sir Abdul Qaiyum: That is the case with all the agriculturists in India.

Sir G. Hussain Hidayatullah: They do not want Dominion Status; why do you want it?

Mr. Jadhav: My own people are in the same condition.

Sir S. N. Bhutto : My 85 per cent. do not want it.

Mr. Mody : Let us not give our case away?

Sir G. Hussain Hidayatullah : You make us give away the case. There is yet time.

Mr. Jadhav : But what surprised me here was that the arguments for separation were mostly based on the stepmotherly treatment given by the Government of Bombay to the people of Sind. Might I ask, Sir, who the stepmother is? Up to 1920 the finances were the finances of the whole of India, and the local governments were given allotments, and money was spent by the Government, which was mostly in the hands of European officers, who cannot be charged with partiality for one province or for one community as against another community or as against another province; so if the stepmotherly treatment of Sind is to be attributed to anybody it ought to be attributed to the officers and to the British Government who conducted the affairs of India as a whole. This charge of stepmotherly treatment is sought to be proved by the want of communication and by the slow progress that education has been making and by the paucity of hospitals and dispensaries and such other things; but may I point out that the condition of the other provinces in India are not much better in all these respects except as regards the subject of roads—communication. Educationally every division, every district is as backward as the Sind division. It is said that nearly a hundred years has passed since the conquest of Sind, but the education has not been pushed on, and therefore the Government ought to be charged with stepmotherly treatment, but may I point out, Sir, that even in the city of Poona and outside the Government has been there for more than 112 years, but still the condition of primary education is as bad as anywhere else, and that in the city of Bombay, which has been under British rule for more than 250 years, the condition of the poorer people, the labouring classes, is as bad as outside Bombay. So this stepmother is treating all her own children and the children of other provinces in the same niggardly manner, and I do not think any special charge should be preferred against her for treating any division specially badly.

As regards the Communications, the province of Gujrat also has been charging the Government with favouring the Deccan and starving Gujrat, and in the matter of education the same complaint has been preferred by Sind; but may I point out the difference between Sind and Gujrat on the one hand and the Deccan on the other. Road metal can be had in the Deccan without any great additional cost, whereas in Sind and Gujrat road metal and road material are very costly, and to construct a mile of road, that is to say well-metalled road, is as costly as laying down a mile of railway; and that is one of the reasons, Sir, why the road communications are so unsatisfactory in these two provinces. But that is not all. The Mahratta country has been provided with roads, not for the simple reason that it is nearer Bombay or nearer Poona, not that it can provide at cheap cost metal and other road material,

but the advantage they have got is due to a great calamity to which they are always subject. Some of the places in the Deccan are liable to suffer from famine once in three years and sometimes twice in five years. Government has opened relief works for the purpose of relieving the starving population, which consisted especially of agriculturists and the weaver class, and road making was the only work that could be provided to thousands of people who flocked on the famine works. That is the reason why roads were made there because money had to be spent for saving the lives of the people and some return was to be expected, and that return was obtained in the shape of roads. It is to this misfortune, the liability to famine, that the roads of the Deccan are due, and not to any unfair or stepmotherly treatment by the Government of Bombay.

Sir G. Hussain Hidayatullah : Colleges also.

Mr. Jadhav : I am coming to that. As far as education is concerned, primary education has been suffering everywhere. The Presidency proper has got a college, a government college in Bombay, a government college in Poona, a government college at two other places. The government college in Bombay has got a history to which one cannot close his eyes. In order to perpetuate the memory of Sir Mountstuart Elphinstone a public subscription was raised, the Elphinstone Society was started, and that Society opened an institution called the Elphinstone Institution. That ultimately developed into a college and it had to be taken up by Government. The history of that institution has been such that it is very difficult for Government to stop that college, but that question has not been shelved completely, and in the days of stress of finance perhaps the Government college may suffer. The college in Poona was a development of an old institution which was started by the Peshwas before Poona came under British rule, and the provision of money set aside by the Peshwas for that purpose was diverted to English education, and therefore the Government is bound to continue it. When the Ferguson College was started in Poona, the question was discussed as to whether the Deccan college should be handed over to the Deccan Education Society, and the Law Officers were consulted, and I am told that the Law Officers said that Government was bound to continue that college according to the promises given, and therefore that college could not be abolished. Had it not been for this obstacle, the Government college in Poona would have been abolished long ago.

Mr. Foot : We have passed on to the Mahrattas, have we?

Dr. Moonje : His point is that all those institutions were founded by private funds, and the Government only helped.

Mr. Jadhav : In Sind, for instance, a private society was formed, and that society has been conducted as a very successful college for many years, and Government has been liberally assisting that college. That society has again taken upon itself to start an engineering college, and Government also has been assisting that enterprise; so Sind has got an engineering college and

an arts college, and both of those are very efficient. An arts college at Hyderabad has been supported by Government and grants were made to it when the grants to new arts colleges in the Presidency proper were stopped. In the Presidency of Bombay proper, if any new arts colleges started, no grant is made to it. The Sangli College and the Nasik College were started after this rule was made and they do not get a single pie in the shape of grants from Government, but the Hyderabad College, although started after that date, has been given aid, because Sind wanted another college and therefore it was thought desirable to give that special grant to that college. I do not think that this is stepmotherly treatment.

With regard to medical relief, I may point out that each district has got a civil hospital, and the dispensaries in the whole of the Presidency, including Sind, have been managed by district local boards and municipalities, and Government paid the cost. The scale of these grants for Sind and for the Presidency proper is the same, and therefore I do not think that this charge of stepmotherly treatment will be applicable in respect of medical relief.

As for agriculture, Sir, I have found during the last two years that the needs of Sind were more attended to, and that more money was spent in the development of agriculture in Sind than was spent in the Presidency proper; and I do not think that that can be called stepmotherly treatment. Of course, the conditions of Sind are very peculiar in this respect, and as Minister of Agriculture I had to sanction those grants on account of those special circumstances. The Barrage will soon come into operation, and we must have the Sakrand farm and other farms there and the experiments carried on on a very large scale. Therefore special grants were wanted for the development of agriculture in the Province of Sind, and the Government did not hesitate to make those grants at the same time as it started the agricultural development of the Presidency proper.

It has been said, Sir, that irrigation in Sind is very paying and that Government gets possibly 14 per cent. or 15 per cent. on their investments, but the hollowness of this assertion has been demonstrated, and I need not take up the time of this sub-Committee by going over the same ground again.

The Report of the Hartog Committee certainly lays bare the deficiency in the advance of education, but I think it accuses want of progress in all the divisions, and not in any particular division.

Sir S. N. Bhutto: The question dealing with Sind is a very big chapter, and I do not want to take up the time of the sub-Committee unnecessarily, but the Report of the Hartog Committee is available if members would care to read it. I will read only one paragraph, which refers to the argument of my hon. friend, and the sub-Committee can then consider what weight they should give to the statement that my friend has just made. The passage which I want to read to you is as follows: "But in spite of these improvements, the claims of Sind appear to have been overshadowed by

those of more fortunate districts. We have been told that some of the Sind local boards were among the first to impose an education cess under the Compulsory Education Act and yet the number of new schools sanctioned for Sind was much smaller than the number in other divisions; and that while in 1926-27, as much as Rs. 1,17,000 was paid as grant towards the expansion of primary education to the District Board of Satara and Rs. 37,700 to the Board of East Khandesh, all the district boards of Sind together obtained only Rs. 18,000." Satara is my hon. friend's own district, and he himself was the Minister; he gave away Rs. 1,17,000 to his own district, while all the district boards of Sind together obtained only Rs. 18,000. The hon. Minister sanctioned Rs. 1,17,000 for his own district! Members may read for themselves the rest of the report and judge the position for themselves.

Mr. Jadhav: I am ready to reply to that.

Sir S. N. Bhutto: You say you are ready to reply, but here is the record.

Mr. Jadhav: I am very glad that this gives me an opportunity of dealing with the matter. I took over charge in 1924, and a year and a half was spent in making rules and regulations for the administration of the Act of 1923. Under that Act the further expansion of education was left to the local authorities. In the case of municipalities it was promised that any additional expenditure that was incurred for the advancement of education would be shared half and half by the local authority and Government; in the case of the district local boards, they were to provide one-third while Government promised two-thirds. Now, this district of Satara had seen ahead as soon as the Act was passed in 1923. They imposed an additional cess of one anna per rupee on the land revenue of that district, and they began to collect it in anticipation of the Act coming into force. Before the Act came into force they were ready with their money, and in 1926 they submitted their claim in connection with primary education. They said: "We want so many new schools and so many additional teachers; here is our one-third of the money; we want your two-thirds." That was the only district which was ready with the money, and which had its scheme prepared and came forward to Government with the money. Let my hon. friend Sir S. N. Bhutto say whether any district in Sind came forward with the money.

Sir S. N. Bhutto: Yes. This document says you referred it back and considered the scheme of your own district.

Mr. Jadhav: Government never referred back any scheme. The applications were considered by the District of Public Instruction, and had there been any glaring ill-treatment of one district or any such partiality or partial favour to one district, I do not think my hon. friends in the Council would have stood by and not moved a vote of censure.

Sir S. N. Bhutto: You were in a majority, and you begged us to spare you and we did so.

Mr. Jadhav: I am not at all against the aspirations of Sind. If Sind wants separation, Sind may be separated. I simply wanted to explain things and to deal with the charges brought against the Bombay Government for "stepmotherly behaviour." I have very good friends among the people of Sind, both Hindus and Muslims, and I have in my short visits formed a very high opinion of their integrity and of their trustworthiness. If they think they will prosper under separation I have no objection, but at the same time I must say that they ought to base their claim on facts and not on sentiment or on allegations that they are not properly treated by the Government of Bombay.

Chairman: Thank you.

Sardar Sampuran Singh: I fully sympathise with the ideas expressed by my friends, and as a matter of fact I fully appreciate the point of view that Sind cannot progress to the fullest extent until it is separated from Bombay, but the point we have to consider is whether Sind will be able to meet its expenses, its coming expenses. I assure you, having a little experience of the colonies in the Punjab, that to colonise Sind it is absolutely necessary that you should spend a very large amount of money on railways, pukka roads and other communications, so that the grain from the land may be able to reach the ports or the markets in that part of the country.

Unless you are sure about your financial position it will be almost suicidal to take any action for separation without making sure of the financial position. You may be perfectly correct when you say that to-day your financial position is very strong and that there is no deficit; you may be quite right when you say that the deficit which appears to-day is only an artificial deficit, and that when the figures are actually worked out it will be clear that there is really no deficit. You may be perfectly correct, but you are not sure about it yourselves; you cannot substantiate this viewpoint by any facts and figures at present. This inquiry has to be undertaken because you yourselves and we ourselves are not in a position to judge.

Sir Ghulam Hussain Hidayatullah: If you will accept the principle we will submit to the financial adjustment.

Sardar Sampuran Singh: After all, we know that this thing must eventually come about if it is financially sound. If you can pay the interest on all the loans raised for the Sukkur Barrage and if you have some capital to develop the colony it will be all right.

Sir Ghulam Hussain Hidayatullah: We can give guarantees.

Sardar Sampuran Singh: Any guarantee must be based on facts, and that enquiry will show whether you are really capable of that or not, and eventually having come to that conclusion the decision has to be arrived at whether Sind should be immediately separated or not. To establish it before hand that Sind must be separated is equivalent to saying that we do not care whether financially it

and you are prepared to sink financially like that, it is no use making that enquiry, for that enquiry will be absolutely useless.

You say you are sure that this is only a budget deficit and that the financial situation of Sind is all right, and I have learned that from other sources as well. I happened to meet other friends here who have served in the Civil Service in Sind, and who also think that financially Sind can stand on its own legs. I do not doubt that statement of yours, but anyhow we can only note that opinion; we cannot base our opinions on any definite, solid facts and figures. Until we are able to obtain facts and figures as a result of such an enquiry as has been suggested it will not be logical to decide anything about the separation of Sind; we cannot do it at this stage, and I think that as the circumstances show that anyhow this must be put off for some time, it does not matter if it is delayed six months or a year until this enquiry is made. .

Sir Ghulam Hussain Hidayatullah: Then there will be a larger deficit and yet Bombay is prepared to go on paying our deficits! That is the wonderful thing about it.

Sir S. N. Bhutto: I have a telegram here which I should like to read to you, if I may.

Chairman: We have all had telegrams; I have had telegrams against the separation of Sind.

Sir S. N. Bhutto: They have asked me to place this before you:—

“ Sind Muslim Conference Jacobabad ninth instant resolutions have emphatically demanded immediate unconditional Sind separation and without which no reforms will be acceptable to Sind people. Also passed that Simon Commission and Government of India have neglected the question of reforms in British Baluchistan in the next constitution and strongly urge upon the members of Round Table Conference to take up the case in right earnest.”

Dr. Moonje: May I also bring to your notice a cable I received this morning?

Chairman: It is probably the same as I received. I do not think we need read these telegrams; we all get them.

Mr. Mody: I think there are only two courses open to us. We can either pass a resolution for which the formula has been placed before us by Mr. Jinnah, which commits us definitely to the separation of Sind, or we can do nothing or next to nothing and say that all these matters must be investigated by a separate Committee, and leave it at that.

I submit neither of these courses should be adopted. In the first place, Sir, as regards the course suggested by Mr. Jinnah, namely that Sind should be separated, a course which has been so ably advocated by Sir Ghulam, I am sure we have listened to the arguments advanced in support of it with every sympathy and with great attention, and, speaking for myself, I am deeply

impressed by all they have said. If there is an overwhelming desire on the part of Sind to separate, no obstacles should be placed in the way of that unless there are overwhelming considerations to the contrary. The point is, however, that on the facts that are before us—facts which Sir Ghulam Hussain Hidayatullah has sought to explain—and on what we must take to be the present position, there is no material on which we can come to a decision.

Now, Sir, if you lay down that it is the business of this Committee to investigate the whole of the circumstances and to come to a definite decision, I am perfectly prepared to go on and to go very carefully into the financial ability of Sind. I have not the least objection. Whether that course is practicable or not it is for you and the Committee to decide; but if you come to the conclusion that Sind ought to be separated, at least that conclusion cannot be come to unless you have fully investigated the problem in all its merits.

I do not know that I interpret correctly your own wishes, but the next suggestion was that we should merely pass a resolution that a Committee be appointed which would go into the whole question and submit a report. I do not know, Sir, whether that is good enough for us. After all, we have been asked to examine this question, and it does not do merely for us to say that because there are so many difficulties in the way of the examination of the question, therefore all our recommendation amounts to is that some other Committee should examine that question.

My view would be that we should definitely say that if satisfactory administrative and financial adjustments can be made, and if it is found that Sind is capable of financing herself, then, assuming, of course, that there is a desire on the part of Sind to separate herself, the separation should be an accomplished fact; the proposition I would like to place before you would be based on those lines.

There is a difference between that and leaving it to another Committee; because in the one case there would be a definite expression of opinion that, if satisfactory arrangements can be made, Sind should separate herself. In the other case, there is no such expression of opinion; you merely leave a Committee to discuss and investigate everything, and then come forward with recommendations of their own.

Therefore the proposition which I would like to place before the Committee is this. I have jotted it down very roughly: "That if satisfactory financial and administrative adjustments are made, and assurances are forthcoming with regard to the ability of Sind to finance herself, the sub-Committee are of opinion that Sind should be separated and constituted into a Province; that a Committee should be set up by the Government of India to examine the question and make an early report."

Now I should like to anticipate an objection which might be raised to this. I think it was suggested yesterday, that after all,

if Sind cannot finance herself, it is her funeral; why should we worry about it; and why should not Bombay be anxious to get rid of a Province which is a burden? But I would like to point out as an answer to it that that is not the correct reading of the situation; because, after all, there are two communities in Sind, the Hindu and the Muhammadan. Assuming for a moment that after separation an enormous financial burden is put upon the people of Sind, the Muhammadan community might well be pleased that that financial burden should be imposed, because they get something else, something very substantial, namely, a large Muhammadan Province, and power and privilege. But the Hindu community, or any other community, the non-Muhammadan communities might well say: "Well, what is the good of the separation to us who have had to bear this extraordinary amount of taxation"? Therefore it does not do merely to say that if Sind cannot finance herself, it is her look out, and that it does not matter to us here in the Committee or to the people in Bombay whether Sind can or cannot adequately carry her own burdens.

From all these points of view, I feel that, while we should go in every possible way to meet the desire of our friends in Sind, and express a definite opinion that Sind should be separated, it must be contingent upon two things, namely, equitable adjustments being made and her ability to finance herself being proved.

Now I would ask my friends not to object to these provisos for the simple reason that they themselves have made light of them. If you say equitable arrangements can be made, well and good. They also say that Sind is capable of financing herself; that if matters were thoroughly investigated, it would be found that the situation is by no means as hopeless as it is made out to be. Well and good; I do not think then they can object to an expression of opinion of this character, coupled with these two conditions which they think are easily satisfied.

Dr. Moonje: The real desire of the people is for separation.

Mr. Mody: That, of course, must be taken as the fundamental basis of this. This is what I should like to place before the Committee as an alternative to Mr. Jinnah's proposition; which proposes that Sind should be separated from the Bombay Presidency, and a Committee should be set up. My objection to his proposition is, as I told you, that it definitely separates Sind, even though it may turn out later on, when the Committee investigate, that the separation cannot be made effective without an enormous burden being put on the taxpayer in Sind. I would like to safeguard that position, and I would like to say that provided a Committee can satisfy us that Sind can bear her own burdens, and that she is quite prepared to come to an amicable understanding with the Bombay Presidency with regard to the burdens which she should bear, her share of the burdens, we are perfectly happy to allow Sind to be separated and constituted into a new Province. That is my proposition.

Chairman : May I just sound the Committee as to the general feeling now? Mr. Mody has expressed extraordinarily accurately what has been in my mind for some time. I do not want to repeat what he said, but I should like just to put it to the Committee, perhaps in my own words, but it is very much the same. I cannot help feeling, as I told the Committee and as I told Mr. Jinnah yesterday, that it is impossible for us round this table to come to the conclusion as to whether Sind would be a deficit Province or whether it would not. We have not got the material and we cannot come to that conclusion. Now if Sind is to be a deficit Province, there is not only the objection to which Mr. Mody has called attention, that is to say, that there would be a very heavy burden on the inhabitants, but there is also the objection, it seems to me, with regard to the social services and the development of Sind. Sind, after all, is part of what we hope will be a united India, and you want the whole of India to develop; you do not want to have a backward Province in the middle of it.

Therefore I am just putting this to the Committee. I myself should feel very reluctant to say: Oh yes, let Sind be a Province whether she can sink or swim, it does not matter. It does matter; it matters not only to Sind but to the whole of India. Sind is a part of India and we have to consider it in relation to India as a whole. I may say also I have been impressed, as I think probably all the Committee have been impressed, by the perfectly obvious reasons for the separation of Sind: The geographical reasons, the racial reasons, the reason of distance from Bombay, and the strong wish of the people of Sind. They are all matters of very great importance.

I do not know whether the Committee feels that perhaps the better course for us to take would be to express a view that it is desirable for Sind to be created a separate Province if it was found that she could stand on her own feet after an enquiry by a financial Committee. But I quite agree with Mr. Mody that I do not think it would be proper to refer the major question to that Financial Committee. That is, I think, very much a matter for the Round Table Conference, where we have all India represented. That is a matter of principle for us I think. But the Financial Committee can go properly into the finances and can tell us, or the Government of India, or whoever it is who is carrying out the wishes of the Conference, whether in truth and in fact Sind can stand on her own legs. The report then would be on the lines that, provided it was shown that Sind can stand on her own legs, Sind should be separated.

Dr. Moonje : Without fresh taxation?

Raja Narendra Nath : Yes.

Chairman : Not necessarily without fresh taxation, but without too great a burden. You must not, I think, say that they should never have additional taxes.

Mr. Mody : They may advance, and they may want more taxation.

Sir G. Hussain Hidayatullah: Are not the Government of Bombay going to introduce a 25 per cent. income tax, and is not that a tax? I do not understand how any country can go on without taxation.

Chairman: I am saying without an undue burden; but it must be possible if necessary to increase taxation. You have assets in Sind which after a certain time will be productive. It seems to be thought that it will be nearly 20 years before the Sukkur Barrage is productive, but it will be productive then and apparently very productive; that seems to be the general view. You have the port of Karachi which you all say you can make more productive. You have, therefore, possibly increasing sources of revenue, not immediately but in the future. I do not know whether it is the general view of the Committee that that would be a proper sort of conclusion for us to come to. If it is, I should be prepared to draw up a report on those lines. I should like to know the feeling of the Committee on that.

Mr. Chintamani: May I trouble you to read the terms of reference to the sub-Committee.

Chairman: The terms of reference were to consider the question of constituting Sind as a separate Province. That is the whole of the terms of reference.

Sir Abdul Qaiyum: We do not want to go into details.

Chairman: The sort of words I would suggest would be something like this, that before a final decision is taken a Committee should be constituted in India to examine the question of the separation of Sind in its financial aspect, and to report if they consider the separation to be financially practicable. That is the sort of limitation.

Mr. Moonje: With one addition: ascertaining the desire of the people for separation.

Chairman: Is that a proper matter for a purely financial Committee?

Mr. Chintamani: No, it is not necessarily for the Financial Committee.

Dr. Moonje: Just one minute, Sir. If it is not the real desire of the people to have separation, why should we force separation upon them?

Chairman: Of course in everything I said I assumed there was no question as to that.

Dr. Moonje: How are we to know, because we are getting contradictory wires; one set of people say they want separation and another set of people say they do not. How are we to say?

Sir S. N. Bhutto: Some people say they do not want any advance and they do not want Dominion Status. Are we to take any notice of those wires?

Dr. Moonje: May I finish? There is one other matter to be taken into consideration. If my information is correct, at the

present moment it seems that the Hindus pay a larger amount of revenue in proportion to the population to the Sind administration, and if it should be found that in the event of extra taxation the burden would be placed more upon the Hindus than upon the Mussulmans, the question would arise as to whether there is a real desire for separation. That is a matter which has to be ascertained.

Sardar Samipuran Singh: The Hindus pay income-tax while the Mussulmans pay land tax. Of course the Hindus may be paying more taxes if they are richer. The Muhammadans are mainly paying the land revenue. It is not the same kind of tax.

Dr. Moonje: The point is, if there is a possibility of extra taxation being imposed, whether the people really desire to have that burden of extra taxation for the sake of separation. That is the point.

Sir Abdul Qaiyum: I am not going into details; I will confine myself to the terms of reference.

Mr. Mody: May I suggest that we adjourn to-day and meet to-morrow, as there are so many members who desire to speak.

Chairman: I think we might get on as far as we can to-night if you do not mind.

Sir Abdul Qaiyum: Provided we are brief, we can finish. My point is simply this, that this question of the separation of Sind from Bombay is not novel; it has been before the public in India from time immemorial—I will say since the annexation, and has been fully discussed; whether Sind wants separation, or whether only the Mussalmans want separation. The facts have been fully discussed. The last and biggest public assembly which discussed it was the Congress, at which the different views were expressed, and the Hindu view especially was expressed. After full consideration of the pros and cons of the case, it was decided that if financially Sind could bear the cost of separation, it should be separated.

So, that decision having been arrived at after years and years of discussion by the whole of India practically, Hindus, Mussulmans and others, it must I think be taken as definite that the question of separation—whether one community likes it or whether it does not like it—is settled or should be settled here. From the public point of view it is settled. From the official point of view it ought to be settled now.

The question of finance remains. That condition was attached by the Congress and that question is still before us. I am very sorry that, although we were coming to this Conference, and the Government both here and in India knew, and the Bombay Government knew, that this question was going to be laid before the Conference, no earlier opportunity was taken to take it up; no time was allowed for us to study the financial part of it with the facts and figures which are now being supplied to us at the eleventh hour.

I must say there are small matters which have been lost sight of, but there are others who will suspect perhaps that this question is going to be shelved again on this very point which should have been decided while we were there. We must, I think, decide at least that point, and put the provision that the financial situation should be gone into by a Committee and the necessary adjustment made. If we now raise that whole question of the feelings, it will be a very doubtful case if the whole question is put in the form of a condition, providing that financially it is sound, even then it will become very doubtful. To my mind the separation has been clear for ages now, and it is not really the separation, but the recognition of a separate unit which already exists. As was so well put by Sir Ghulam Hussain the other day, it was always there, and we have simply to satisfy its separate existence. I do not know if the liabilities of Sind will be very great, due to this Barrage scheme. On the other hand, I believe that it is the possible or probable income of that Barrage that makes Sind so much coveted by Bombay. I believe that Bombay is looking forward to gain much out of it—either that or the opening up, as some gentlemen have said, of Mesopotamia or even of Persia with the new railway system as far as the Persian Gulf. Perhaps it is the prosperity of Sind which is really in the way—the future prosperity of Sind. Otherwise sound financiers like the Bombay people, Mr. Mody and others, would not care to be so very generous and charitable while their own people are starving as the result of one thing or another. No, it is the covetousness of getting something out of that development that is influencing Bombay Presidency.

Mr. Mody: I do not think that Sir Abdul is quite fair in saying that.

Chairman: You will not raise further discussion, will you, Sir Abdul, by making charges of that sort?

Mr. Mody: I think it is very unfair to us.

Sir Abdul Qayyum: Well, I think it is really the gain that is counted really, not the loss.

Chairman: But may we consider the actual question before us, if you do not mind?

Sir Abdul Qayyum: Well, I will not say anything more, because what I thought I would say would only raise that question which need not be discussed here, because on these figures that my friend Sir S. N. Bhutto referred to it is exactly the same position. We want further advance, and there are obstacles in the way.

Raja Narendra Nath: I should like to say a word or two. Reference has been made to the Nehru Report and to the recommendations of the Indian National Congress. The Indian National Congress once did espouse the Nehru Report, but the Nehru Report must be taken as a whole and not piecemeal. The way in which the Nehru Report solved the Minority question and the question

of Minority rights is not the way now recommended by the Conference—at least, I do not know what the eventual form of minority rights will be, and the way in which the constitution will protect minority rights, but I invite particular attention to clause 6 and clause 13 at page 102 of the Nehru Report: “All citizens are equal before the law and possess equal civic rights. . . . No person shall by reason of his religion, caste or creed be prejudiced in any way in regard to public employment, office of power or honour and the exercise of any trade or calling.” This is not the fundamental rights which my friends will at all be willing to accept, so the two things ought not to be separated. What I want to say is this, that if reliance is placed upon the recommendations of the Congress or on the recommendations made in the Nehru Report, this part of the Nehru Report, the way in which the Nehru Report proposed to solve the minority question, should not be ignored. That is all I want to say.

Sir Abdul Qaiyum : Thank you; but I thought that the question was solved on its merits.

Chairman : Well, Sir Abdul, you have had your say.

Dr. Shafa'at Ahmad Khan : May I say one thing. I want to be perfectly clear that when we desire separation we also wish to safeguard the rights of the minority in Sind most adequately. Have as many safeguards as you like—more, even, than are granted to the minorities in other Provinces. So that so far as the minority question is concerned I do not think it should be used as an excuse for delaying separation. I think I shall be supported by those in Sind when I say that on this question there is virtually no difference of opinion between the Hindus and Muhammadans of Sind. Practically all communities agree on principle that Sind should be separated.

Dr. Moonje : I question that.

Dr. Shafa'at Ahmad Khan : There are, of course, a few persons here and there who are opposed to it; you are bound to find a few.

The second question with which I should like to deal is what is called the political question. In my humble opinion the sub-Committee must recommend the principle of separation. There are two questions involved, the principle of separation and the constitution of Sind as a separate Province, and it is the second question which is the financial question. If it is proposed to refer both these questions, the political and the financial, to one and the same Committee, which will conduct an investigation later, I must tell this sub-Committee that this question will not be solved. We must decide on the political question here and now; the financial question we must leave to an expert body. On the political question, I should say most members of the sub-Committee practically agree that Sind should be separated, provided, of course, the financial adjustments are made and so on.

Raja Narendra Nath : And provided minority rights are adequately safeguarded in the way the minority wants. It cannot be for Sind alone. The clauses I read were from the fundamental

rights of citizens, and that has not been adopted by the Conference; that clause defining the fundamental rights has not been adopted by the Conference.

Dr. Shafa'at Ahmad Khan: This question is going to be discussed to-morrow in the Minorities sub-Committee, and should not be brought in here with a view to preventing an impartial discussion of a question like that of the separation of Sind.

Chairman: We cannot have it here. I agree.

Raja Narendra Nath: The political question cannot be separated; you must give adequate safeguards to minorities.

Chairman: Yes, but the safeguarding of minorities, like the extension of the franchise, is a question which applies to all India and does not arise on this particular question.

Dr. Shafa'at Ahmad Khan: Whatever proposals are made about this need not be accepted by any member of the sub-Committee unless the safeguards for minorities are adequate.

Sir Abdul Qaiyum: On the lines of other Provinces.

Raja Narendra Nath: No; that is just the difficulty. Wherever my Muslim friends are in a minority they want certain rights, and where they are in a majority they want certain rights of a different kind, and so there is controversy.

Chairman: It is really a minority question that you are raising, and it is out of order.

Raja Narendra Nath: The political aspect of the case was discussed, and it was said that politically it is settled. That is why I raised this point.

Dr. Shafa'at Ahmad Khan: With regard to Mr. Mody's proposal, if you examine it closely you will find it is practically the same, with certain minor modifications, as the proposal of the Bombay Government and the proposal of the Simon Commission. There has been no advance, so far as I can gather, since that time, and you know that opinion in the Province, and I should say in the whole of India, has swung round to the view that Sind should be separated with the least possible delay.

Chairman: I do not think you should say it is no advance. Assuming this report becomes part of the report of the Round Table Conference, it is surely a considerable advance that the Round-Table Conference has declared itself in favour of the separation of Sind.

Dr. Shafa'at Ahmad Khan: To that extent technically it would be an advance, but this has already been recommended by the Government of India and the Simon Commission. I know this is a very honourable body and will have greater weight. Of course, if the Round Table Conference puts its seal of approval on the proposal made by Mr. Mody: it will be a great advance, but I am speaking of the proposal as such, and as such I submit it is practically the same as that of the Simon Commission and the Bombay Government.

Chairman: I should have said the exact opposite.

Mr. Foot: The Bombay Government was opposed to it. Do you mean the Government of India?

Dr. Shafa'at Ahmad Khan: My proposal is practically the same as that of Mr. Jinnah, namely that Sind should be separated from Bombay and that the question of finance should be decided by a separate expert Committee later on. The principle of separation should not be mixed up in that at all.

Lord Zetland: I am very much impressed with the arguments which have been put forward in favour of the creation of a new Province, and I notice that the Nehru Report suggested that even if this resulted in a deficit that should not be allowed to stand in the way of the self-determination of the people of that particular area, namely Sind. They went on to urge that the denial of the right of self-determination on purely financial grounds would be bound to lead to great dissatisfaction and to impede the progress of Sind. I do not want to go further into that, but that was the view expressed by the Nehru Committee.

I think that possibly we might go a little further than was suggested by Mr. Mody. I think his suggestion was a good one, but I should like to suggest that we might go a little further in this way. Could not we first of all say that on these general grounds we do consider it is desirable that a new Province should be created, but that considerable doubt has been thrown upon the financial capacity of Sind to bear the burdens of a new Province, and that on that point we cannot possibly express an opinion because we have not the necessary material; and that therefore we consider that an expert Committee must be set up to examine the financial position. Then could not we go on to say that if, as a result of that investigation, it was found that Sind would not be a deficit Province, then well and good; let the creation of the new Province be proceeded with. If on the other hand, the result of the investigation showed that there would be a deficit in the budget of the new Province, then the representatives of Sind should be invited to show how they would meet the deficit before a new Province was created. Could not it be done in that sort of way?

Chairman: Yes.

Mr. Chintamani: I entirely agree with the proposal of the noble Marquess. I wish only to add—and that is covered partly by the proposal which the noble Marquess had made—that after the financial position has been ascertained the Government of India should also take steps to ascertain the wishes of the people.

My precise meaning is this. After the expert financial enquiry is concluded, and the report is before the Government, at that stage the wishes of the people of Sind should be ascertained.

Chairman: How?

Mr. Chintamani: There are the voters for the Legislative Council, the district boards and so on.

Chairman: I see—representative associations?

Mr. Chintamani: Yes, representative associations. My reason is this. There will be many people who at the present moment are enthusiastically in support of separation, but whose enthusiasm may be somewhat cooled down if they find separation will involve them

in the payment of fresh taxes or in additional financial burdens. I think, therefore, it is only fair and business-like that their wishes should be ascertained after the financial investigation has been made and its results are known; it should not be taken for granted that all who are in favour of separation now will continue to be in favour, or that all who are against separation now will continue to be against after knowing exactly where they stand. That is one point which personally I should like to add to the proposal which the noble Marquess has made. The other thing is a proper financial adjustment between the Government of Bombay and the Government of Sind.

Chairman: That is of course understood.

Dr. Shafa'at Ahmad Khan: That is a detail. I should like to make a suggestion. The proposal which Lord Zetland has made needs some consideration, and we should be glad if this meeting could be adjourned until to-morrow for that reason.

Chairman: We have not any time to spare, and I should like, if possible, to have some sort of draft report before the sub-Committee to-morrow. May I take it the general sense of the sub-Committee would be in favour of the separation of Sind, subject to the financial enquiry either as Mr. Mody and I suggested it or going rather further as Lord Zetland suggested it? I will try to draw up a report which will incorporate both those views, if possible, or adjust them, and if I may I will draw up a report on those lines.

Sir P. Sethna: Will you add Mr. Chintamani's proposal?

Chairman: It is rather a dangerous proposal.

(The sub-Committee adjourned at 6-50 p.m.)

PROCEEDINGS OF THE THIRD MEETING OF SUB-COMMITTEE No. IX
(SIND) HELD ON 14TH JANUARY, 1931.

(Draft Report.)

1. The members of the sub-Committee, over which I presided, were:—

Lord Russell (*Chairman*).
Lord Zetland.
Lord Reading (for whom
Mr. Foot acted as substitute).
H.M. the Aga Khan.
Mr. Jinnah.
Sir S. N. Bhutto.
Sir G. Hussain Hidayatullah.
Sir Abdul Qaiyum.
Sir M. Shafi.

Dr. Shafa'at Ahmad Khan.
Sardar Sampuran Singh.
Dr. Moonje.
Mr. Jayakar.
Raja Narendra Nath.
Mr. Chintamani.
Mr. Jadhav.
Sir P. Sethna.
Mr. Mody.
Sir H. Carr.

The terms of reference were to consider "the question of constituting Sind as a separate Province."

The sub-Committee sat on 12th and 13th January, and has authorised me to present this report.

2. The sub-Committee did not enter in their discussions into the wider question of the redistribution of the provinces in India.

3. They consider that the racial, religious, and linguistic differences between the majority of the inhabitants of Sind and the majority of the inhabitants of the Presidency of Bombay proper; the geographical isolation of Sind from Bombay the difficulties of communication between the two and the insistency with which separation has been advocated provide an impressive case for the division of Sind from the Bombay Presidency and the creation of a separate provincial Government there.

4. They observe that the Government of Bombay have pointed out certain administrative difficulties in the way of the separation of Sind. They consider that these difficulties are real, but they do not believe them to be insuperable.

5. They note that no detailed examination of the financial consequences of separation has yet been made. On the figures available to them they are unable to say whether the separation of Sind is financially practicable. It appears that separation would involve an annual deficit in the budget of the provincial Government of Sind. If the Sukkur Irrigation Scheme is financially successful this deficit should in time disappear, but it is estimated that the scheme would not begin to increase the ordinary annual revenue of Sind until about 1946. Meanwhile, there might be no money available for the construction of fresh irrigation works nor of the roads and railways, which will be required when the Sukkur scheme bears fruit. Nor would it be possible to carry out any development of the nation-building services. The sub-Committee therefore consider that the creation of a new Province of Sind is on the whole desirable, but that before a decision is taken a committee should be constituted in India to examine the question of the separation of Sind in its financial aspect and, if the result of their investigation should be that separation is financially practicable, to make recommendations on the means by which the financial stability of a separated Sind could be ensured, and the financial adjustments which would be necessary and equitable upon such separation.

St. James's Palace,

14th January, 1931.

Discussion.

Chairman: I am sorry that we have not been able to circulate a draft report to the sub-Committee so far, but I think one will be ready in about a quarter of an hour. Until it comes perhaps we might continue talking about the financial position and any possible reservations that we might make on that point.

I ought to tell the sub-Committee that personally I am nervous about the financial position of a separated Sind. I am by no means

satisfied that it would be able to be self-supporting, and that there would not be quite a considerable deficit—half a crore at least, and probably more. The figure given is something like 90 lakhs, which is very nearly a crore. I am nervous about it, and I feel some difficulty myself in pronouncing a final decision on the separation here, or in suggesting a final decision on the separation, in the absence of better knowledge than we have got.

Lord Zetland is not as frightened as I am, and he is much more familiar with India, so that I am inclined to defer to his opinion; but I should like to hear what the sub-Committee says about that.

Personally, I feel a little inclined to accept the principle of separation, but to leave the final decision until some independent and impartial finance committee in India has reported on what the result of separation would be, because I am a little nervous that a separated Sind would be a deficit Province, which means, as I said yesterday, bad administration and a deficit which has got to be borne by somebody—I suppose by the Government of India.

Dr. Shafa'at Ahmad Khan: If you leave the principle of separation to be settled in India by a committee, then the whole question will have to be gone into over again in India.

Chairman: It was not my idea, to leave the principle of separation to be settled by some other committee; this further committee which is suggested would simply report on the financial results of separation, and, when it was seen what the financial results would be, the principle of separation would be settled, I suppose, by the Government of India and the Government of this country in the light of the decisions of that committee. I did not suggest that that committee should settle the principle of separation; that was not my idea.

Mr. Mody: My proposal was somewhat different.

Dr. Shafa'at Ahmad Khan: Yes.

Sir P. Sethna: As was also that of Lord Zetland.

Mr. Mody: I thought you agreed in the main with my suggestion, that we should pronounce an opinion in favour of separation provided that it was found, on examination by an independent committee, that adequate financial and administrative adjustments could be made and that Sind was capable of financing herself.

Mr. Chintamani: May I know what is involved by the acceptance, Sir, of what you call the principle of separation?

Chairman: I think that is a little difficult to say, but I cannot help feeling that if the Round Table Conference accepted the principle of separation it would probably be more difficult for anybody to go back on it afterwards, notwithstanding a small deficit.

Mr. Chintamani: Would it be like accepting the principle of Dominion Status for India, leaving everything for future consideration?

Chairman: I do not want to be dragged into that!

Mr. Chintamani: I do not want to drag you into anything, Sir, but I do want to know to what I am committing myself if I accept the principle of separation. I am entirely in accord with the principle that the wishes of the majority of the population must be carried into effect if it is at all practicable to do so. The wishes of the majority of the people, however, should not be merely in vague and abstract terms which may be incapable of application in practice; those wishes must be stated and must be ascertained when it is known that a certain proposition is feasible administratively, financially and in other ways. For instance, we can all raise our hands in support of the proposal that Sind be separated, leaving everything else to be determined in the future, in such a manner that what we have voted for may never be fulfilled; but that would be of no practical value. Once it is seen that Sind can be a self-supporting Province, then the acceptance of the principle and the direction that that principle be carried into practice are thoroughly intelligible; but if, without knowing whether that is a practicable proposition or not, we say we accept the principle of separation, and then it is found that without additional taxation which the people are not able or are not willing to pay it cannot be given effect to, I see no good in accepting the principle.

Chairman: Surely there is this virtue in it, is not there? It means we have been impressed, as I think all of us have, by the case for separation. That is my own feeling.

Mr. Chintamani: I will at once subscribe to a principle worded as you have just put it, namely, that we are impressed by the arguments in favour of separation. I am not in the least hostile to the principle or to the proposal; all I want is that we should not be parties to the creation of a Province which may not be able to maintain itself in an efficient condition; we should not incur that responsibility. Secondly, we should not be parties to a proposition which may not be acceptable to the people themselves. I have no doubt whatever that the people of Sind by a large majority want separation now, but I want that to be made clear after they know to what they are committing themselves by becoming an independent Province, and after they realise that an independent Provincial administration may cost them a great deal more. I am not speaking in a hostile spirit.

Mr. Foote: As you know, Lord Reading was a member of this sub-Committee on the understanding that I should take his place if he could not attend. He wishes me to express his regret that, owing to the pressure of other sub-Committees, he cannot attend. I have been in consultation with him, however, after each sitting of this sub-Committee, and I am in general agreement with the views expressed by Lord Zetland yesterday. Those are also the views of Lord Reading who, of course, speaks from his own knowledge of India. Before the sub-Committee sat I read what had been said on the subject by the several Commissions and other bodies which have dealt with it, and particularly what was said in Chapter 10 of the memorandum submitted by the Government of Bombay to

the Statutory Commission, which is the memorandum, I think, in which the particulars and facts are more fully set out.

Speaking academically, I think that the case for separation has been made out. Leaving out the financial considerations for a moment, I think the geographical separation—the very considerable difference from the rest of the Presidency—does justify the claim that has been made. I think, too, that the evidence we have before us shows that at present there would be an overwhelming majority of the Sind people in favour of separation.

Mr. Chintamani: At present, certainly.

Mr. Foot: Yes, at present; I quite agree with Mr. Chintamani that that may be all. That being so, I think that this sub-Committee would be entitled to come to the conclusion that they approve the demand that is made for the separation; the only question that arises, I think, is as to the financial terms, the possibility of Sind becoming a self-supporting Province, and also the point which has been raised by Mr. Chintamani as to whether or not there should be a further consultation of the opinion of the people when the financial terms have been more definitely ascertained. I should like Mr. Chintamani, if he would, to make clear what he requires on that. Does he suggest something like a plebiscite?

Mr. Chintamani: No, my suggestion is much more modest. I would ascertain the opinion of the people in the manner which is familiar to every Government in India, namely by taking the opinion of the elected members from Sind in the Bombay Legislative Council and the opinion of the district boards and other local bodies in Sind, the Landholders' Association, the Muslim League, the Hindu bodies, the Chambers of Commerce and so on; that is all.

Mr. Foot: I think, Lord Russell, that there is substance in Mr. Chintamani's argument on that point, if I may say so with all respect. It may be that in general terms the people of Sind strongly approve separation at the present time by a substantial majority, but it is possible that when the financial facts have been definitely ascertained that opinion may change, and the people may say "There has been put before us a prospect of such financial burdens that we would rather bear the ills we have than fly to others that we know not of."

Mr. Chintamani: That is a possibility.

Mr. Foot: I should imagine that if the special committee or commission that will go into the question of the separation of Sind gives detailed and impartial consideration to all these financial facts, it would itself suggest such a safeguard; it would itself suggest that after the facts have been ascertained by an impartial tribunal—I think that is what Lord Zetland himself suggested—there should be some means then secured for ascertaining what the opinion of the people of Sind is in the light of the new facts.

I think Sir Shah Nawaz Bhutto, who spoke yesterday, and Sir Ghulam Hussain Hidayatullah would themselves agree that the

criticism they made of the Government of Bombay's figures is a criticism that we are not able to accept, because obviously that should be a matter of close examination and cross-examination of the several witnesses that are brought forward.

On those general lines, Lord Russell, I would express my agreement with what I believe to be the opinion of the majority of the members of this sub-Committee. I think that those safeguards—I do not like the word “safeguards,” we have heard it, perhaps, too frequently in the last two or three weeks; I will say those provisos—should be made, for we do not want to create in India a semi-bankrupt Province that will be a source of weakness to the whole community. With that proviso I could support the general proposal.

Chairman: It seems to me we are all in general agreement. I want to make my own feeling perfectly clear. My view is much the same as that of Mr. Chitamani and does not differ much from that of Lord Zetland. I should like to be able to find, quite simply, that it is desirable that Sind should be separated. That is what I should prefer to be able to do, but I cannot help being a little frightened by the figures which have been produced. I cannot help feeling that if the new Province would have a heavy deficit I should be taking rather a rash responsibility in the interests of good government if I made that recommendation, and that I want, in some way or other, to safeguard the situation. I think we are all agreed on that; the only question is as to the best way of safeguarding the situation with regard to a possible or probable deficit afterwards. Is not that all we want to do?

Mr. Foot: I think so, yes.

Mr. Chintamani: If I may make a respectful suggestion, it should not be very difficult for us to put our thoughts in this form: that we are impressed by the case for separation on general grounds, but that we can recommend separation only when it is made clear that Sind can be financially a self-contained Province and that the people will be willing to bear such additional burdens as the creation of a separate Province may entail on them. We have no material before us to enable us to pronounce on that question, and therefore we recommend the constitution of a committee to report on the financial position, and then, when the Government make sure that the people will have separation on those terms, they should act accordingly. They should treat the question of the separation of Sind not as an abstract proposition for the future but as a matter of immediate importance, and they should make no unavoidable delay in setting up this committee and taking the further consequential steps.

Sir Abdul Qaiyum: May I ask one question to remove my doubts? I should like to ask Mr. Chintamani this. You know that this question of a deficit is before the people of Sind, both Hindus and Mussalmans, and in spite of that they have been sending telegrams and howling for separation. Do you think that, even if a deficit is proved, the sentimental aspect of the case, the geographical

aspect and the other conveniences that will follow from the separation of Sind will be subordinated to that deficit?

Mr. Chintamani: I cannot say.

Sir Abdul Qaiyum: You see, this question of a deficit has been before the people of Sind for years and years now.

Mr. Chintamani: But they deny that there will be a deficit.

Sir Abul Qaiyum: What I want to know is this. Do you think that if this deficit of Rs. 60,000 which is now put before us—

Sardar Sampuran Singh: 60 lakhs.

Sir Abdul Qaiyum: Do you think that if this deficit of 60 lakhs that is now put before us is proved, that will subdue the sentiment of the people of Sind in favour of separation? Has it not been before those people who are crying for separation, and who want separation on other and more important considerations?

Mr. Chintamani: Have I your permission, Sir, to give a brief reply to that?

Chairman: Yes, certainly.

Sir M. Shafi: When Mr. Chintamani is replying to my friend's question, may I also invite his attention to this fact, so that when replying he can have it in mind. The formula suggested by Mr. Jinnah in the proposal he put forward yesterday contemplated in clear language that after separation Sind would bear its administrative expenses itself.

Sir P. Sethna: And if it cannot, Sir Muhammad, you do not want separation?

Sir M. Shafi: Why should it be assumed it cannot?

Sir P. Sethna: I am sorry you were not here yesterday or during the earlier part of our meeting this morning. That is what we are considering: supposing it cannot, what then?

Sir M. Shafi: Sind must cut its coat according to its cloth. I am not prepared to assume it cannot. If it cannot by reducing expenditure or by additional taxation balance the budget—well, I cannot, with the experience I have had of preparing budgets, really assume such a possibility. I think Sind ought to be able to meet its expenses.

Sir P. Sethna: That is not an answer to the question.

Mr. Chintamani: My reply to Sir Abdul is this. If he will pardon me for saying so, in the whole of the discussions during the last half dozen years on the question of the separation of Sind, the one aspect which has been brought forward by the advocates of separation as well as by the opponents of separation has been the communal aspect. I am very glad that that aspect has been very much in the background in the discussions in this Committee. It is not the financial and economic aspects of the problem that have been before the public. I think this statement of mine must be admitted as a mere matter of fact. There are many cases where

many people wish to have many things, but their enthusiasm is cooled when they know what the cost is of obtaining those things. I do not say that the enthusiasm of the people of Sind will cool down; I do not say that in the least; but we must give them a chance of knowing exactly where they will stand when they are a separate Province if Sind is made a separate Province. Instead of committing ourselves or other irrevocably to a proposition the full consequences of which are not at present clearly before us, we should recommend the appointment of a Committee. I think that is a merely prudent and business-like attitude. It is not that I am in the least hostile to the separation of Sind. I am prepared to accede to the proposition on ground of geography and on administrative grounds that Sind, as an outlying part of the Bombay Presidency, is at a considerable disadvantage, and should have an opportunity of shaping her own destiny. All that we, as a sub-Committee should do is this. We should make a recommendation which will enable the people of Sind to know what will be the cost of this separate existence, and then if they say, "We are ready to bear the cost," then there is no reason why they should not become a separate Province.

Chairman: I was going to say the same thing in different words. I was going to point out that you cannot run a Province on sentiment and my cold, practical British mind is trying to find how this Province will be run afterwards if it is separated.

Lord Zetland: Might I intervene there? Would not the suggestion I made meet most of these points? My suggestion was that the Expert Committee which it is proposed should be set up should be strictly limited in its terms of reference to ascertain the financial position as it would be if a new Province was created. If, as a result of the investigations of that Committee, it was shown that Sind would not be a deficit Province, so much the better: then the creation of the new Province could go ahead without further consideration. But, on the other hand, if the investigations of the Expert Committee showed that Sind would be a deficit Province, my suggestion was then that the representatives of Sind—shall we say the representatives of Sind in the Bombay Legislative Council—should be asked how they propose that the deficit should be met if the separate Province was created. Now, that would give everybody in Sind an opportunity of understanding exactly what the position would be. The representatives of Sind would then have to put forward perfectly definite proposals for meeting the deficit, and they would have to show that those proposals were practicable.

Mr. Foot: And acceptable to their people.

Lord Zetland: And, if you like, acceptable to the people of Sind. If they were not in a position to do that, then clearly the formation of a new Province would not be practicable. But I assume, from what has been said by the members of the sub-Committee on this side of the table that they have no apprehensions of that kind. In the first place, they think that Sind would not be shown to be a deficit Province. In the second place, they think

that even if it was shown to be a small deficit Province they would have no difficulty in putting forward proposals which would satisfactorily meet the deficit.

Sir S. N. Bhutto: For argument's sake, Sir, even if it is conceded that our Province is a deficit Province, why are we expected to have a luxurious administration such as Bombay is maintaining.

Mr. Foot: You mean that you would not be a deficit Province.

Sir S. N. Bhutto: Therefore that is the only thing that we can consent to—the investigation of finance. No other obstacle should be put in our way, because we have suffered enough and we cannot afford to suffer any more.

Mr. Foot: I think we are agreed upon that.

Lord Zetland: Do you agree to the proposal which I put forward?

Sir Muhammad Shafi: If some formula could be devised which would embody a recommendation of this sub-Committee in favour of the separation of Sind, with a proviso that a Committee should be appointed to consider the financial aspect of the matter, then on the receipt of a Report from that Committee, if upon investigation it is found that Sind is not a deficit Province or can be made self-supporting by the adoption of certain means, separation shall be given effect to, I think that would be all right.

Sir S. N. Bhutto: That is the same as what the Noble Lord has suggested.

Chairman: There is another thing. When the deficit is ascertained, supposing Sind is found to be a deficit Province by the finance committee, if it is not a large deficit, it might be that the Government of India would think it worth while to bear that deficit for a number of years in order to enable the separation of Sind to be proceeded with.

Sir S. N. Bhutto: Why shouldn't they, when they would get 3 crores out of the Province without giving anything in return?

Chairman: That, at the proper time, you will fight out with the Government of India.

Sir S. N. Bhutto: Then why have we come here? Why not have stayed in India and fought out everything with the Government of India?

Mr. Foot: How can we decide that, Sir?

Sir Abdul Qayyum: We are simply shifting the burden of certain decisions to others and delaying the matter. That is my humble opinion. Otherwise the expenses can be cut down, further taxation can be imposed, adjustment can be arrived at. Put that condition that the adjustment must be made.

Sir S. N. Bhutto: We do not want any financial help.

Sir Muhammad Shafi: There is a great deal in what Sir S. N. Bhutto has said about the expensive character of the administration as it is carried on at present. The average which he has pointed

out per head in Bombay and Madras clearly shows that this supposed deficit of 60 lakhs, even if it does exist, is capable of easy adjustment by reduction of expenditure, and, if necessary, by imposing additional taxation to the tune of 10 or 15 lakhs in order to make up the budget. Therefore I venture to submit that, bearing in mind the *a priori* grounds, which I submit are absolutely irrefutable, in favour of the separation of Sind, the sub-Committee ought to pronounce its judgment in favour of separation and direct that a Committee be appointed to make the necessary financial adjustments.

Chairman: May I bring the thing nearer to a head by reading the draft Report which you will all have before you in a minute or two when the copies arrive, and then we can discuss it on those lines and see whether it meets the point. The fourth paragraph deals with a different matter, but I think I ought to read it:

“ They observe that the Government of Bombay have pointed out certain administrative difficulties in the way of the separation of Sind. They consider that these difficulties are real but they do not believe them to be insuperable.” That disposes of the administrative point. Then this is paragraph 5:

“ They note that no detailed examination of the financial consequences of separation has yet been made. On the figures available to them they are unable to say whether the separation of Sind is financially practicable. It appears that separation would involve an annual deficit in the budget of the provincial Government of Sind. If the Sukkur Irrigation Scheme is financially successful this deficit should in time disappear, but it is estimated that the scheme would not begin to increase the ordinary annual revenue of Sind until about 1946. Meanwhile there might be no money available for the construction of fresh irrigation works nor of the roads and railways which will be required when the Sukkur Scheme bears fruit. Nor would it be possible to carry out any development of the nation-building services. The sub-Committee therefore consider that the creation of a new Province of Sind is on the whole desirable but that, before a decision is taken, a Committee should be constituted in India to examine the question of the separation of Sind in its financial aspect and, if the result of their investigation should be that separation is financially practicable, to make recommendations on the means by which the financial stability of a separated Sind could be ensured, and the financial adjustments which would be necessary and equitable upon such separation.”

Sir S. N. Bhutto: We are not convinced of all these difficulties.

Sir Abdul Qayyum: I do not believe that the difficulties are real, other than the financial difficulties.

Sir Muhammad Shafi: And there are no administrative difficulties at all, really.

Dr. Moonje: Without considering from the general point of view whether Sind should or should not be separated, I take strong objection to the manner in which the question has been brought up

before the public and also before this sub-Committee. We have already had separate electorates in our country, and that system has created a division between Muslims and non-Muslims in India. I do not like to give my support to a principle which will divide India into a Muslim and non-Muslim India. Therefore, on the larger question, on the question of principle, I am opposed. I am, however, not opposed to, or rather I would welcome, the idea of a reorganisation of Provinces from the administrative point of view, and if in that scheme of a reorganisation of Provinces Sind is found to be a good proposition for separation it should be considered. In the scheme of reorganisation it may be found that perhaps it should be joined on the Punjab. That also is a problem to be considered. Therefore on the principle I am opposed to the manner in which the question is being brought before this sub-Committee.

There are two points on which I should like to say something. Mr. Jinnah has said, and the question has been very much emphasised, that even if Sind is a deficit Province the Government of India should provide the money for creating Sind into a separate Province. I cannot subscribe to that principle, that for the mere luxury of a separate Province—

Mr. Jinnah: Sir, I did not say that.

Chairman: Mr. Jinnah did not say that. He said that in spite of that the sub-Committee ought to conclude that it should be separated.

Mr. Jinnah: Yes, and that the Bombay Presidency should be relieved from its perpetual white elephant.

Mr. Moonje: If I have not understood Mr. Jinnah, then of course it is a different thing. If he says that the deficit is found the Government of India should come to its help, then my objection stands.

Then his second point is that it is for the good of the people. That is exactly what I want to know. Therefore I support the point of Mr. Chintamani, that really an enquiry should be made as to whether it is for the good of the people that Sind should be separated and that whether the people really desire the separation of Sind. As for the increase of taxation, the increase of burden, I do not think it would be right to decide upon the meeting of the deficit by increase of taxation without first ascertaining the real wishes of the people of the place. Now, much prominence has been given to the question of race; to the question of language, to the question of ethnological differences in arguing for the separation of Sind.

Chairman: And geography.

Dr. Moonje: And geography in arguing for the separation of Sind. If the same considerations are applied to the Bombay Presidency, let us see how it stands. Linguistically its people speak Gujerati—an entirely different language—Maharatti—an entirely different language—Karnatak—an entirely different language. A

part of them are an entirely different people linguistically and racially. I am only taking it for the sake of argument, because I believe that we are all racially one people really; but that is an entirely different thing. I will take it for granted, for argument's sake, that we are racially different. Then the Bombay Presidency is composed of one race, the Gujerati, a second race the Mahratta, a third race Karnatak, and a fourth race of the Mangalore district which is entirely different from the Belgaum Karnatak people; and if that principle is going to prevail, then perhaps the Bombay Presidency is to be broken up into three or four provinces. Therefore I do not think that that principle could be taken as a safe ground for deciding upon the separation of Sind.

The best course, in the circumstances, would be that a Boundary Commission may be appointed, and that the Boundaries Commission may go into the question of Sind, and according to its recommendations the action would be taken. I am therefore opposed to the manner in which this question has been brought before the sub-Committee, and the principle of separation which will divide India into a Mussalman India and a non-Mussalman India, and which may act as a vicious principle leaving other people to make demands in the same way. Perhaps a time may come when Eastern Bengal, having a larger population of one community, may be separated from Western Bengal because that has a majority of another community. It may lead the Sikhs to say in the Central portion of the Punjab that, because they are in a majority, therefore the Central portion of the Punjab should be separated, and made a single Province. This is a principle which is a vicious principle, just as the system of separate electorates is a vicious system, and I think, as we are now experiencing the vicious evil effects of separate electorates through having promised them, let us not commit the same mistake over again and introduce another principle which, instead of uniting India into a whole, will be a fruitful source of disintegrating India into small groups unable to stand with each other. There is also another point, Sir, that whatever scheme about the separation of Sind may be decided upon it is very necessary that the wishes of the people should be consulted first. The creation of any new Province primarily or solely with a view to increasing the number of Provinces in which a particular community happens to be in a majority is fraught with danger to the growth of sound patriotism in the country, and will contribute to the growth of a sentiment favourable to the division of India into a lot of separate groups. I am therefore opposed in principle to the manner in which this question has been brought before the sub-Committee, although I am quite willing to consider the larger question of the redistribution of Provinces in India.

Mr. Mody: I do not propose to follow Dr. Moonje into the contentious points he has raised. I am not criticising Dr. Moonje or the point of view that he has placed before us, but I think we have had enough of this communal business and I think it ought not to be allowed to obtrude itself before every aspect of the deliberations

of the Conference. I should like to confine myself to the draft that you have just placed before us.

I am not in agreement with the draft for the reason that it goes much beyond the proposition which I placed before the sub-Committee yesterday. My proposition was this—that this sub-Committee, basing its recommendations on the assumption that there is an overwhelming demand for separation on the part of the people of Sind, should pronounce itself in favour of the principle of separation, but that, as we have not got sufficient facts and figures before us, this sub-Committee recommends that an enquiry be set up in India immediately with a view to ascertaining the financial capacity of Sind and with a view also of finding out whether any political adjustments can be made between Sind and the Bombay Presidency proper. If the findings of the Committee are that Sind is capable of financing herself, as our Muhammadan friends who have asked for the separation of Sind have tried to make out, then the separation automatically comes into effect.

What you have placed before us is in the nature of a series of objections, and I think they are capable of damning the principle of separation if put in that form. I therefore am not able to subscribe to the draft which you have placed before us. Let us not talk of the difficulties; let us not quote them in the way in which the draft has quoted them; because if all these things go out, then naturally the principle of separation becomes absolutely impossible.

I therefore would again repeat the proposition which I placed before you yesterday, and which, with a little amendment, was supported by Lord Zetland: that is that, on general grounds, assuming that there is an overwhelming demand for the separation of Sind, we should support the principle of separation, but that a Committee should be set up to examine the financial aspect of the question, the Committee to have no power to look into the principle of separation but to confine itself to finding out how the financial liability would be met.

Chairman: Now that we have the Report before us, I think we had better take it paragraph by paragraph. But before doing that, I would like to read two suggestions here. One is a draft of my own; one is Mr. Chintamani's draft, and we can consider them when we come to that part in the Report, but I might read them now.

This is what I drafted this morning: "The sub-Committee are so impressed by the strength of the arguments in favour of separation that they have come to the conclusion that the principle of separation should be accepted. Some members are, however, doubtful as to the financial stability of Sind as a separate Province; the sub-Committee therefore recommend that an impartial Committee in India should examine carefully the probable revenues and expenditure of a separated Sind, including the debt on the Sukkur Barrage, and should also make an equitable adjustment of the financial commitments for which Sind may properly be considered liable." Those last words I take from you, Mr. Jinnah. "If the report of

the Financial Committee shows that a separation would impose a financial burden upon Sind, the decision for separation should be liable to reconsideration."

This is Mr. Chintamani's: "The sub-Committee have been impressed with the arguments in favour of the separation of Sind from the Presidency of Bombay, and would recommend on general grounds that it is advisable to make Sind a separate Governor's Province. They deem it necessary further to recommend that a competent enquiry into the financial aspect of this matter should be held, such enquiry to be instituted without any loss of time, and the result of the enquiry published for general information. If the Government of India are then satisfied that the people of Sind want separation, it should be carried into effect, subject to an equitable adjustment of the financial claims of Bombay, and the provision of suitable safeguards for legitimate minority interests."

It is obvious we are all aiming at the same thing; it is a question of how to get there. Now may we have the Report paragraph by paragraph. Paragraph 1 is of course formal.

Mr. Chintamani: If you do not mind, before you do so I should like to say a word, in order that the opinion of Dr. Moonje on the various questions which he has raised in his speech should not be deemed to be the opinion of the Hindus generally on this question. I do not want the question of Sind to be thrown into the melting-pot by being considered with the case of all other Provinces, or other claims for separate Provinces. The case of Sind does deserve special consideration and also urgent consideration.

Never mind what has been said outside the Conference. I am particularly sorry that while the advocates of the separation of Sind have taken the most scrupulous care in presenting their case before this sub-Committee on general grounds and not in the least on communal grounds, the communal aspect should have been brought to the fore by Dr. Moonje. If the advocates of separation had done that here, then it would have been the duty of Dr. Moonje to have replied to that. But he it said to their credit that they have not done so. I have heard every one of their speeches during the last two days, and I must say, as I have already said, gladly and gratefully, that they have not uttered one single word of a communal character in the presentation of their case. So that I wish that my friends over there should not be under the impression that, whatever doubts and difficulties we may have in going with them the full length with regard to immediate separation, those doubts and difficulties are based upon communal grounds. They are not based upon communal grounds; they are based upon non-communal grounds. Our views are represented by Mr. Mody and by the draft I have submitted to you.

Sir Muhammad Shafi: We gratefully acknowledge the fact that the proposal put forward by Mr. Chintamani is a proposal based not on any communal grounds but on grounds which appear to him to be substantial. As regards his proposal, we shall discuss that later on.

Dr. Moonje: May I say a word, Sir?

• *Chairman*: No, *Dr. Moonje*. Must you?

• *Dr. Moonje*: Only one word. I do not say that I represent the entire Hindu feeling; I do not say that; I have never claimed it; but India knows which opinion will be accepted, and the Hindus of India will know which opinion will be accepted. That is all; I have nothing more to say.

Chairman: Now may we take the Report? I take it that paragraph 1 is formal and is agreed to. Paragraph 2 really deals with what I think *Dr. Moonje* was partly raising: "The sub-Committee did not enter in their discussions into the wider question of the redistribution of the Provinces in India."

Mr. Chintamani: Is that necessary? The terms of reference preclude such consideration.

Mr. Mody: Why should it be said at all?

Mr. Chintamani: If we had attempted to do so, you would have ruled us out of order.

Chairman: I do not know that it is necessary to say it; it is merely a statement of fact.

Sir Muhammad Shafi: Why should we say this at all?

Lord Zetland: I think we ought to leave it out.

Chairman: Very well, we will leave it out; I do not know that there is any point in it.

Lord Zetland: It is outside the terms of reference.

Sir Muhammad Shafi: It is outside the terms of reference.

Chairman: "3. They consider that the racial, religious, and linguistic differences between the majority of the inhabitants of Sind and the majority of the inhabitants of the Presidency of Bombay proper, the geographical isolation of Sind from Bombay, the difficulties of communication between the two and the insistency with which separation has been advocated, provide an impressive case for the division of Sind from the Bombay Presidency and the creation of a separate Provincial Government there."

Sir S. N. Bhutto: Why "majority," Sir?

Chairman: What do you want to say instead?

Sir Muhammad Shafi: What my friend means is this. The words are "differences" between the majority of the inhabitants of Sind and the majority of the inhabitants of the Presidency of Bombay proper." He suggests that the word "majority" should be struck out there.

Dr. Shafa'at Ahmad Khan: It is redundant.

Sir Muhammad Shafi: It is not a case of majority; the two people are quite different.

Sir S. N. Bhutto: Quite different.

Mr. Chintamani: I have to move an amendment that covers that.

Chairman: Of course, there may be some dissentients in either case.

Sir Muhammad Shafi: There is no question of dissentients.

Mr. Chintamani: I move that all this be deleted, namely "racial, religious, and linguistic differences between the majority of the inhabitants of Sind and the majority of the inhabitants of the Presidency of Bombay proper." Differences exist inside the Bombay Presidency excluding Sind; they are found in every single Province. I doubt if there is any single Province in which there is only one language, only one religion, and only one race. It is not special to the case of Bombay and Sind, and therefore there is no reason why emphasis should be given to it as is done here. The omission of this does not detract from the merits of the case for separation such as they may be.

Chairman: I thought we were told in the first speech that was made here by Sir G. H. Hidayatullah that the difference in their races and their customs did make a difference in the sort of administration they desired.

Mr. Chintamani: But even if Sind were excluded, there would be similar differences within the Presidency of Bombay proper; for instance, there are Kanarese, and so on.

Sir Muhammad Shafi: I think the word "differences" there is out of place and should be struck out.

Mr. Jinnah: Would you accept this: They consider that the people of Sind are different from the people of Bombay proper linguistically, geographically and ethnologically.

Lord Zetland: I do not think that quite meets it. What do you mean when you say a people are different geographically?

Mr. Jinnah: Geographically there is no connection.

Lord Zetland: The whole point is geographical isolation.

Mr. Chintamani: Are the Mussalmans of Sind racially or ethnologically different from the Mussalmans of the Bombay Presidency?

Sir Muhammad Shafi: Yes, they are quite different.

Sir S. N. Bhutto: Yes. In Bombay almost all are converts.

Lord Zetland: Would not the sub-Committee agree to this: They consider that the racial and linguistic differences between the inhabitants of Sind and of the Presidency of Bombay proper—

Chairman: Yes.

Dr. Shafa'at Ahmad Khan: Yes, that is quite all right.

Sir Muhammad Shafi: Yes, that is right.

Chairman: They consider that the racial and linguistic differences between the inhabitants of Sind and of the Presidency of Bombay proper—. Yes, that will shorten it.

Mr. Jinnah: And then you can say: and the geographical isolation of Sind from Bombay.

Chairman: "And the geographical isolation of Sind from Bombay, the difficulties of communication between the two and the insistency with which separation has been advocated provide an impressive case for the division of Sind from the Bombay Presidency and the creation of a separate Provincial Government there."

Sir Muhammad Shafi: I am satisfied.

Chairman: Does that satisfy the sub-Committee now?

Mr. Chintamani: Sir, in paragraph 3, page 2, line 2: "the insistency with which separation has been advocated." I suggest the addition of the words "by a majority of the people."

Chairman: But you have just taken out "majority" in the first place.

Sir Muhammad Shafi: No, that is with regard to racial differences. Mr. Chintamani's point is with regard to the insistency with which separation has been advocated.

Mr. Chintamani: That would be strictly correct and would not detract from the merits of the case.

Chairman: Well, if you think it necessary. Do you think it necessary?

Lord Zetland: Do you agree with that, Sir Muhammad Shafi?

Mr. Jinnah: I should say we leave it there, because as it stands it cannot be taken to mean that it is unanimous.

Mr. Chintamani: I think what I have proposed would be a far more correct statement of the position.

Mr. Jinnah: The words are "and the insistency with which separation has been advocated." That means there is a very strong insistence; that is all.

Mr. Chintamani: "The insistency with which separation has been advocated" is capable of the interpretation that it has been advocated by all; that there is no difference of opinion at all.

Sir S. N. Bhutto: If you say: by the Mussalmans, the moderate Hindus, Parsees and Europeans.

Mr. Chintamani: I am not bringing in either the word "Hindu" or the word "Muhammadan." I agree that the case for separation has been pressed with insistence; I entirely agree with that.

Mr. Jinnah: Then leave it there.

Mr. Chintamani: But that means the whole of them; I suggest: "the insistency with which separation has been advocated by a majority of the people."

Mr. Jinnah: Can this be understood to mean the entire body of the people?

Sir S. N. Bhutto: We have 95 per cent. with us.

Mr. Chintamani: I do not press it.

Chairman: Yes; I think it is really not worth while.

Sir Muhammad Shafi: Leave it as it is.

Mr. Chintamani: Yes.

Chairman: May I take it paragraph 3 is agreed?

Lord Zetland: Yes, as amended.

Chairman: "4. They observe that the Government of Bombay have pointed out certain administrative difficulties in the way of the separation of Sind. They consider that these difficulties are real, but they do not believe them to be insuperable."

Sir Muhammad Shafi: We do not agree with this. Really it was pointed out that in fact the administrative difficulties, such as they are, lead to the conclusion that Sind ought to be separated.

Sardar Sampuran Singh: It is only a statement of fact..

Sir S. N. Bhutto: Yes, that you may say.

Sardar Sampuran Singh: We do not say we consider it to be so.

Chairman: Yes, we do say that.

Lord Zetland: Yes.

Mr. Jinnah: Simply say: "They observe that the Government of Bombay have pointed out certain administrative difficulties in the way of the separation of Sind, but they do not believe them to be insuperable." We do not say that the difficulties are real.

H.H. The Aga Khan: They are not negligible.

Mr. Jinnah: But they are not insuperable.

Sir S. N. Bhutto: I do not think the Government of Bombay will be able to show more than one per cent. cases where their heads in the Presidency have differed from the opinion given by the heads in Sind; they only confirm it.

Mr. Chintamani: My opinion is that this paragraph should be deleted, because in every operation of this description there are bound to be some difficulties of a routine nature.

Sir Muhammad Shafi: Then drop the whole of it.

Dr. Shafa'at Ahmad Khan: Yes, drop the whole of it.

Mr. Chintamani: But mention should also be made of administrative advantages; undoubtedly it will be more advantageous to Sind to be mistress in her own household than to be attached to the Presidency of Bombay.

Chairman: I confess that for my own part in everything I have heard in this sub-Committee I have not been impressed by administrative difficulties in separation; I was rather impressed by the point of view that they might have less administrative difficulties.

Mr. Chintamani: I therefore move the deletion of this paragraph of the Report.

Chairman: I think we ought to mention it, as it is mentioned in the report of the Bombay Presidency, but we might change the words.

Mr. Jinnah: Very well. I suggest we should drop the words: "They consider that these difficulties are real," merely saying that "they do not believe them to be insuperable."

Chairman: "They observe that the Government of Bombay have pointed out certain administrative difficulties in the way of the separation of Sind, but they do not believe them to be insuperable." That is one sentence. Is that right?

Mr. Jinnah: Yes.

Mr. Chintamani: Well, if it satisfied them; but it does not satisfy me.

Chairman: "5. They note that no detailed examination of the financial consequences of separation has yet been made. On the figures available to them they are unable to say whether the separation of Sind is financially practicable." You have this before you, and you have various other suggestions. I understood a general objection was taken to raising these details of objection: the Sukkur Irrigation scheme, the money for fresh works, and the development of nation-building services.

Sir Muhammad Shafi: That is quite unnecessary.

Mr. Mody: I would suggest you leave the first two sentences of paragraph 5. Then delete the others, and come to this: "The sub-Committee therefore consider that the creation of a new Province of Sind is on the whole desirable but that before a decision is taken, a Committee should be constituted," etc. We will alter the wording later on, but all these intermediate sentences should go. We should leave these statements of facts that no detailed examination of the financial consequences has been made, and that on the figures available this sub-Committee is unable to say whether separation is financially practicable.

Mr. Chintamani: That on the material available the sub-Committee is unable to say what the financial consequences of separation will be.

Chairman: Look at sentence No. 3, which begins "It appears —." Do not you think we should say that on the figures presented to us it would appear that separation would involve an annual deficit?

Mr. Mody: I would not like to say that, because that statement has been challenged, and we do not want to enter into any controversial aspect of it. We do not want even to suggest anything which would go to the question of separation. Leave it as a statement of facts.

Sir Muhammad Shafi: "They note that no detailed examination of the financial consequences of separation has yet been made." Stop there; strike out the following words down to "nation-building services."

Mr. Foot: Mr. Mody suggests the next paragraph: "On the figures available to them—."

Mr. Mody: That is also a statement of facts and it ought to stay. That does not prejudice you at all.

Chairman: That I think is a very material statement, that we are unable to say that. That affects my mind very much.

Mr. Mody: If we were able to say that, we would say yes at once. Therefore it is only a statement of facts and I do not think it prejudices anybody. The second sentence should also stay.

Mr. Jinnah: I do not follow; I thought you suggested that only two sentences should stand?

Mr. Mody: Yes, the first two.

Mr. Jinnah: "They note that no detailed examination of the financial consequences of separation has yet been made." That is a fact.

Mr. Mody: Yes.

Mr. Jinnah: After having noted that, what do you propose to say?

Chairman: "On the figures available to them they are unable to say whether the separation of Sind is financially practicable." I think we must say that, because that is what is at the back of our minds; otherwise we should advocate separation at once and have done with it.

Mr. Chintamani: Instead of "practicable" I would suggest the word "sound."

Chairman: "Practicable" is all right, I think.

Sir P. Sethna: "Sound" is suggested.

Chairman: We say we cannot come to a decision on that point. That is the real excuse for setting up a financial committee.

Mr. Jinnah: That is true, Sir, but again you are giving importance to those figures; you seem to indicate that you feel it is not practicable.

Chairman: No, I am not saying that; I am saying that on the figures available we cannot say whether it is or not.

Mr. Jinnah: There we do not agree.

Mr. Foot: Others take a different view.

Mr. Mody: I suggest you might put this in a more colourless form and say "On the figures available to them they are unable to pronounce a judgment on the financial question." That should meet Mr. Jinnah's objections.

Dr. Shafa'at Ahmad Khan: Yes, may we have that again?

Mr. Mody: "On the figures available to them they are unable to pronounce an opinion on the financial aspect of the question."

Mr. Jinnah: Quite right.

Dr. Shafa'at Ahmad Khan: That will do.

Chairman: That will satisfy me.

H.H. The Aga Khan: That is all we can say.

• *Lord Zetland:* I suggest we say "are unable to express an opinion" instead of using the word "pronounce."

Dr. Shafa'at Ahmad Khan: Yes.

Mr. Mody: All right.

Mr. Jinnah: "On the figures available to them they are unable to express an opinion on the financial aspects of the question."

Chairman: Very well. Does the sub-Committee agree to that? (Agreed.)

Now we come to the really material part, namely, what form of words—we can settle the actual words afterwards—the sub-Committee feels inclined to adopt here. I read out mine and I have read out Mr. Chintamani's and we have also had Lord Zetland's.

Mr. Jinnah: I was not present when Lord Zetland's was read.

Chairman: I will read them out again. What Lord Zetland suggested yesterday was that after speaking of the setting up of a Committee, and so on, we should say: "If, on the other hand, investigation shows that separation would leave the new Province with a deficit, we think the representatives from Sind should be asked to show how the deficit would be met by the new Province." The words I suggested were: "The sub-Committee are so impressed by the strength of the arguments in favour of separation that they have come to the conclusion that the principle of separation should be accepted. A number of our members are very doubtful as to the financial stability of Sind as a separate Province. The sub-Committee therefore recommend that an impartial Committee should examine carefully the probable revenue and expenditure of a separated Sind and the security of the debt on the Sukkur Barrage, and should also make an equitable adjustment of the financial commitments for which Sind may properly be considered liable. If the report of the financial committee shows that separation would impose an undue burden upon Sind or the Government of India, the decision for separation should be liable to reconsideration."

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Mr. Chintamani's words are these: "The sub-Committee have been impressed by the arguments in support of the separation of Sind from the Presidency of Bombay, and would recommend on general grounds that it is advisable to make Sind a separate Governor's Province; but they deem it necessary further to recommend that a competent inquiry into the financial aspects of this matter should be held. Such an inquiry should be instituted without any avoidable loss of time, and the results of the inquiry published for general information. If the Government of India are then satisfied that the people of Sind want separation it should be carried into effect, subject to an equitable adjustment of the financial claims of Bombay and the provision of suitable safeguards for legitimate minority interests."

Mr. Mody: My suggestion would be to confine ourselves to the draft which we have.

Lord Zetland: My proposal is only an addition to come at the end of paragraph 5.

Mr. Mody: My suggestion is that we first of all confine ourselves to the draft which is before us, and I would recommend that the next three sentences should be deleted—from “It appears” down to “nation-building services.” Those sentences should be deleted. Let us go on with the draft and see what alterations we can make.

Mr. Jinnah: We have come to that now.

Mr. Mody: No, we have not.

Chairman: The elimination of these sentences has not yet been agreed to. What does the sub-Committee feel about it?

Mr. Jinnah: I thought we had already got as far as paragraph 5. We had got as far as “services”; the intervening sentences were struck out.

Chairman: No, not yet. So far we have only got down to “aspects of the question.”

Mr. Jinnah: Let us finish that.

Chairman: The suggestion now is that the words from “it appears” down to “nation-building services” should be struck out.

Mr. Mody: That is my suggestion.

Chairman: I do not know what the sub-Committee feels about it.

Lord Zetland: I agree.

Dr. Shafa'at Ahmad Khan: I think so.

Sardar Sampuran Singh: Do not you think these two opinions do exist? There are two opinions. There is the opinion that it would be a deficit province and there is the opinion that it would not be a deficit province. If it were not for the fact that we thought it might be a deficit province there would be no question of establishing a committee of inquiry.

Lord Zetland: Yes, but we have just said we can express no opinion on the financial aspect of the question. It is rather illogical, having just said that, to go on and put forward a lot of sentences which specifically deal with the financial aspect of the question.

Sir M. Shafi: The sub-Committee is not in a position to express an opinion on this question, because two views have been expressed and there is not sufficient material before the sub-Committee to express a decision on them. If the sub-Committee goes on to add what follows here it is really inconsistent.

Sardar Sampuran Singh: No, because this starts off with the words “It appears.”

Mr. Mody: The point is we must not say anything which appears like prejudging the issue. The independent committee will

deal with this matter; let them come to any conclusion they like. Why should we say anything about the question being very difficult, or that we do not think it practicable? Leave it to the committee.

Mr. Jinnah: When you have this note, that no detailed examination of the consequences of separation—the financial consequences—has yet been made, and if then we say that on the figures available we are unable to express an opinion on the financial aspect of the question, then we should stop at that; let us express no opinion. It will be for the committee to be appointed to go into this.

Sir M. Shafi: Into the whole thing.

Mr. Jinnah: Yes.

Chairman: I rather agree; I think that is logically correct. These next sentences deal with subjects which will be referred to the financial committee for consideration.

Dr. Shafa'at Ahmad Khan: We are appointing the committee for this purpose.

Chairman: Do the sub-Committee agree to take these sentences out?

Mr. Jinnah: So far we agree.

Chairman: I want to be sure. Do the sub-Committee agree to take this out? (*Agreed.*)

Mr. Jinnah: Then we come to this: "The sub-Committee therefore consider that the creation of a new Province" and so on.

Sir M. Shafi: I suggest here the elimination of all these words—"The sub-Committee therefore consider that . . . a committee should be constituted."

Mr. Jinnah: One moment, please; we must get at the principle. Let us see what principle we are going to lay down; we must lay down some principle. That is why I was trying to apply my mind to Lord Zetland's draft, to which I had not the opportunity of listening.

Chairman: Would you like to see these other two also? (*Papers handed to Mr. Jinnah.*)

Mr. Mody: My feeling is that instead of considering new drafts we should see if a little alteration of this will not serve our purpose.

Chairman: Well, we will see.

Sir H. Carr: That is the right line to take. stick to this draft.

Mr. Mody: All you need to do is to make it more definite, if our friends do not think it is definite enough. If this draft can be improved and can be made acceptable, we need not consider fresh drafts.

Mr. Jinnah: The only part of your draft which seems to me unnecessary is the last part. Personally, and, of course, subject to what other members may say—I am speaking for myself just

now on the spur of the moment—my view is this. You say “The sub-Committee are so impressed by the strength of the arguments in favour of separation that they have come to the conclusion that the principle of separation should be accepted.” So far I see no objection.

Chairman: No, you would not, Mr. Jinnah, so far.

Mr. Jinnah: Then you say “A number of our members,”—I should prefer to say “Some of our members,” not “A number.”

Chairman: I did say “some” first of all; “A number” was somebody else’s correction.

Mr. Jinnah: I would prefer “some.” May I take the liberty of altering that?

Chairman: As far as I am concerned you may; that is what I put originally.

Mr. Jinnah: “Some members are very doubtful as to the financial stability of Sind as a separate Province.” That is quite correct.

Lord Zetland: Now we are in conflict with what we have just said—that we cannot express an opinion on the financial aspect of the question. May I suggest the draft in the Report, with some modification, is really the best.

Chairman: Perhaps we could take the draft in the Report, and work on that.

Mr. Jinnah: If you will allow me to say so, I would prefer the first part that has been read out from the draft instead of what you have here; “The sub-Committee therefore consider that the creation of a new Province of Sind is on the whole desirable.”

Lord Zetland: I would leave out the words “on the whole.”

Dr. Shafa’at Ahmad Khan: What is “on the whole” for?

Sir M. Shafi: I think paragraph 3, which we have already approved, is quite sufficient for that purpose, and there is no need to repeat the same thing in paragraph 4.

Mr. Jinnah: The other is merely a recital; this is the operative part.

Chairman: Paragraph 3 only says that it is an impressive case.

Mr. Jinnah: Will you allow me to finish? When the drafts are placed before us at the last moment like this it is very difficult.

Chairman: I agree.

Mr. Jinnah: We must have the operative part in.

Chairman: Yes.

Mr. Jinnah: And that is what I am endeavouring to do. The operative part is paragraph 5. I agree with Lord Zetland; I do not mind if these words are dropped—“Some members are very doubtful as to the financial stability of Sind as a separate Province.” I quite agree they are superfluous, and I am willing that they

should be dropped, because we have already said we have not the materials before us. We say "The sub-Committee therefore recommend" and this is our recommendation; after having endorsed the principle we make a recommendation. We say "The sub-Committee therefore recommend"—instead of "an impartial committee" I would say "an expert committee"; committees are always impartial.

Chairman: Quite true.

Mr. Jinnah: We can assume we shall have an impartial committee. "An expert committee in India should examine carefully the probable revenue and expenditure of a separated Sind and the security of the debt on the Sukkur Barrage, and should also make an equitable adjustment of the financial commitments for which Sind may properly be considered liable." Up to that point I endorse it. Then you contemplate another stage, and it is this to which I object. "If the report of the financial committee shows that separation would impose an undue burden upon Sind or the Government of India, the decision for separation should be liable to reconsideration." Now, when the Government of India gets the report, and the report shows that it is impossible for Sind to bear the expenditure itself, and that it is impossible to induce anybody else to bear that expenditure except the poor Bombay Presidency, they may say "We cannot do anything"; but why do you contemplate that now. Do I make myself clear?

Chairman: Quite.

Mr. Jinnah: I say, therefore, that the last part is superfluous and unnecessary.

Chairman: Surely not? What is to happen if the committee reports that Sind cannot possibly be separated?

Mr. Jinnah: The Government will decide, on the basis of the report, what should be done.

Chairman: The last sentence shows that in spite of our approving the principle we still leave that open.

Mr. Jinnah: Suppose it is impossible; you do not contemplate an impossibility!

Sardar Sampuran Singh: It only makes the thing clear.

Mr. Jinnah: The decision, of course, will be the decision of the Government of India or of the British Government; the committee will only make a report.

Mr. Chintamani: What precisely is your proposal?

Mr. Jinnah: My proposal is this. I accept the Chairman's draft subject to these last words being left out.

Mr. Chintamani: What would you substitute for them?

Mr. Mody: Might I suggest, first of all, that the two sentences read out by Mr. Jinnah should in the first instance be accepted, and we should then take a decision on the contentious part

Mr. Jinnah: I agree. There are three sentences.

Mr. Mody: No, two; one has been deleted.

Chairman: "The sub-Committee are so impressed by the strength of the arguments in favour of separation that they have come to the conclusion that the principle of separation should be accepted." You want to take out my doubts about the financial stability?

Mr. Mody: Yes.

Mr. Chintamani: That sentence is not in this draft Report.

Sir H. Carr: It is in the Chairman's draft.

Chairman: It is in the draft I made this morning; it is not in the Report. "The sub-Committee therefore recommend that an expert committee in India should examine carefully the probable revenue and expenditure of a separated Sind and the security of the debt on the Sukkur Barrage, and should also make an equitable adjustment of the financial commitments for which Sind may properly be considered liable."

Sir P. Sethna: You want to stop there, Mr. Jinnah?

Mr. Jinnah: Yes.

Chairman: Mr. Mody suggests we should accept that first, and then consider what we should do afterwards.

Mr. Mody: Yes.

Chairman: I think we had better take it as a whole. The reason for going on to the last sentence is clearly this. We have accepted the principle of separation; that is to say, we have said we think it desirable; and that may be held to conclude the matter no matter what this expert committee finds. I think we ought, in the same document, to point out that if the expert committee finds the thing is impracticable, the question must still be regarded as open. I think we should go as far as that.

Lord Zetland: Then I prefer my addition. If that does happen—if the investigation of an expert financial committee shows that there will be a certain deficit if a new Province is created—I prefer my suggestion.

Mr. Jinnah: I agree with that.

Lord Zetland: I think it is up to the representatives of the proposed new Province to show how they suggest the deficit should be met.

H.H. The Aga Khan: By taxing themselves.

Mr. Jinnah: I agree.

Dr. Shafa'at Ahmad Khan: May I suggest that we should say "expert finance committee" and not simply "expert committee."

Sir P. Sethna: Does not the word "expert" cover that?

Sardar Sampuran Singh: Both "impartial" and "expert" are implied.

Mr. Jinnah: The committee will be appointed for the purpose of considering the financial question; that is all.

Dr. Shafa'at Ahmad Khan: And therefore will confine itself to finance.

Mr. Jinnah: The draft says they will examine the question in its financial aspect.

Lord Zetland: I am inclined to think the original draft is the best—"The sub-Committee therefore consider that the creation of a new Province of Sind is desirable but that before a decision is taken——."

Several Members: No.

Mr. Jinnah: Let us stick to the other one.

Lord Zetland: We might leave out "before a decision is taken" and say "but that an expert financial committee should be constituted in India to examine the question of the separation of Sind in its financial aspect and, if the result of their investigation should be that separation is financially practicable, to make recommendations on the means by which the financial stability of a separated Sind could be ensured, and the financial adjustments which would be necessary and equitable upon such separation."

Mr. Jinnah: I agree with the Chairman's draft with the addition suggested by Lord Zetland. Your last sentence can go in this draft. Instead of those three sentences you might put that.

Mr. Foot: Mr. Jinnah's point is that comparing the Chairman's draft with the draft that has been submitted to the sub-Committee, the operative parts in the addendum are much more definite than in the original.

Mr. Jinnah: Quite; that is the point.

Mr. Foot: But he is still desirous that the proviso of Lord Zetland should be appended to that.

Chairman: What would this proviso be?

Mr. Jinnah: The top one.

Chairman: "If, on the other hand, investigation shows that separation would leave the new Province with a deficit, we think that the representatives of Sind should be asked to show how the deficit would be met by the new Province."

Mr. Jinnah: That is right. I agree.

Mr. Foot: Instead of "If, on the other hand," you will have to put, "If, however".

Chairman: No, "If, on the other hand" is all right.

Lord Zetland: Well, that was drafted to follow on the other.

Chairman: It will follow on in the same way.

Lord Zetland: It does not follow on yours.

Chairman: Oh, on mine, no, perhaps not; if you are adopting this, you mean. No, it would not follow on that.

Mr. Foot: Will you read the two paragraphs as in your amended draft, followed by Lord Zetland's and then we can see how it goes.

Chairman: Before I do that I would just point out that, of course, Lord Zetland's draft does say that the question will be left open, but it does not say so clearly: "the representatives of Sind should be asked to show how the deficit would be met." Well, if they do not show it, what then?

Mr. Jinnah: Then if they do not show it the Government will have to decide. It leaves it open.

Chairman: I agree, by implication; but I would rather not have had it by implication.

Mr. Jinnah: It leaves it open.

H.H. The Aga Khan: It necessarily means that. That is the plain English of it.

Chairman: Would the sub-Committee prefer to have Lord Zetland's sentence at the end?

Mr. Foot: Would you read them all together?

Chairman: I will read them all together if it is the desire of the sub-Committee: "The sub-Committee are so impressed by the strength of the arguments in favour of separation that they have come to the conclusion that the principle of separation should be accepted. The sub-Committee, therefore, recommend that an Expert Committee in India should examine carefully the probable revenue and expenditure of a separated Sind and the security of the debt on the Sukkur Barrage and should also make an equitable adjustment of the financial commitments for which Sind may properly be considered liable. If the investigation shows that separation would leave the new Province with a deficit, the sub-Committee think that the representatives of Sind should be asked to show the deficit would be met by the new Province."

Mr. Jinnah: That is right.

Mr. Mody: Would it not be better to say that the representatives of Sind shall make an investigation?

Sir P. Sethna: That decision will be taken by the Government. That is very vague.

Sardar Sampuran Singh: If there is no objection, why should there be any objection to making this clear.

Mr. Jinnah: I have no objection if you want to express it in that way. The ultimate decision must rest with the Government. Put it in that way if you like.

Chairman: Yes, if you would say, after "would be met," "the ultimate decision resting with the Government of India," that would meet me.

Mr. Jinnah: "The ultimate decision to rest with the Government"—whether it is the Government of India or whatever it may be; "the Government."

Lord Zetland: My original words, which somebody has altered, I think, would have met that point. I do not know who altered that. My original wording, at the end of my draft, was "should be asked to show how the deficit should be met before the new Province is set up."

Chairman: That will meet me entirely.

Mr. Mody: That is better.

Sardar Sampuran Singh: If you put such words here, then the final action by the Government of India will depend upon this Report.

Sir Muhammad Shafi: "Before the new Province is set up includes everything."

Sardar Sampuran Singh: What I am afraid of is that in the enthusiasm words may be misconstrued afterwards, so I want to make it very clear from the beginning instead of there being a quarrel about words.

Chairman: But I do think that this addition of Lord Zetland's really does make it perfectly clear. I am quite prepared to accept that.

Mr. Chintamani: I would prefer also that that sentence should be put in. I prefer Mr. Jinnah's form.

Mr. Jinnah: "Before the Government sets up the new Province."

Chairman: Surely Mr. Jinnah's words cover the thing exactly. It means that the new Province will not be set up unless these difficulties are removed. That is all I ask. That is surely all that any of us can ask, is it not?

Mr. Chintamani: To come back to the beginning of the statement, I must say that I prefer the language of this typed draft to the new draft which you are substituting for it.

Chairman: Well, naturally, so do I, because I drew it; but I am quite prepared to accept Mr. Jinnah's as meeting my point. Won't you do that, too, Mr. Chintamani? Shall I read them all again once more just to see that we have got it clear? "The sub-Committee are so impressed by the strength of the arguments in favour of separation that they have come to the conclusion that the principle of separation should be accepted. The sub-Committee, therefore, recommend that an Expert Committee in India should examine carefully the probable revenue and expenditure of a separated Sind and the security of the debt on the Sukkur Barrage and should also make an equitable adjustment of the financial commitments for which Sind may properly be considered liable. If the investigation shows that separation would leave the new Province with a deficit, the sub-Committee think that the representatives from Sind should be asked to show how the deficit would be met before the new Province is set up."

Mr. Chintamani: If this new draft is to prevail, instead of saying "The sub-Committee are so impressed that they recommend," I would say that "the sub-Committee are impressed and they recommend."

Chairman: We have passed those words already.

Mr. Chintamani: In view of the important financial reservation, I think that the first draft more correctly represents the position; but as the latter draft is preferred I would ask you to substitute the words that I have mentioned.

Mr. Jinnah: I am quite willing that the word "so" should go out.

Mr. Chintamani: "And they recommend."

Sardar Sampuran Singh: There is one big omission in this. We say that we are impressed, we say that an enquiry committee should be established, and we say that the representatives of Sind should be asked how they will make up the deficit, and no separate Province, before that is done, will be created—no separate Province of Sind—but we never say, we never even give an inkling, that there is another alternative also, that if there is no explanation, and if it is a deficit province, if that is the result of the enquiry committee, there will be another thing also—that we also desire that there should not be a separate Province. •

Dr. Shafa'at Ahmad Khan: It is all implied.

Sardar Sampuran Singh: It is there by implication, but the whole burden of this draft is that anyhow it must be separated and some way must be found out of it for making it a separate Province.

Sir Abdul Qayyum: And then, on the other hand, if you leave it to the Committee, then you do not decide on the principle; you leave even the principle uncertain.

Sardar Sampuran Singh: What I want to make definite is this—that if the financial committee finds that this is a deficit province, and no ways and means are found so that it will not be a deficit province, then in that case we should make it perfectly clear that there should not be a separate Province. We are leaving that aspect altogether.

Sir Muhammad Shafi: But the words "before the new Province is set up" clearly mean that.

Sir Phirozê Sethna: No, I think that is very vague. If we say "before that decision is taken" it is all right. What do you say here—that members be asked whether they will be able to contribute towards the extra taxation. It has been pointed out that the taxpayers in the Bombay Presidency pay Rs. 6 : 8 : per head. Well, that makes the case worse; but if this contention is correct that there is a deficit of a crore of rupees and the population is 33 lakhs, it means that the tax will increase by a further Rs. 3—that is instead of Rs. 6 : 8 : the Sind taxpayer will have to pay Rs. 9 : 8. How is he to pay, and where from? According to Sir Shah Nawaz

Bhutto the peasant there and everybody there is so very poor that they cannot afford it.

Mr. Jinnah: Sir Phiroze Sethna, why do you assume that the representatives cannot show a practical way of bearing the burden? If they cannot show it, then the Province cannot be set up as a separate Province.

Sir Phiroze Sethna: Yes, but may this Committee take it for granted that if the representatives cannot show the ways and means whereby the taxation can be paid by themselves, Sind is not to be separated?

Mr. Jinnah: Excuse me. After all, the Government cannot divorce themselves of the responsibility. Supposing the representatives of Sind are so stupid as to say "We are willing to pay 14 annas in the rupee tax for the purpose of separating Sind," the Government will say, "You are mad." That is all.

Sir Muhammad Shafi: Sir Phiroze, your argument is based on the assumption that the incidence per head of the expenditure of the new Province will continue to be Rs. 6: 8: as it is now, and will import some addition. Your argument is based on that assumption. What we are saying is that your machinery is unnecessarily expensive, the Bombay machinery is unnecessarily expensive as compared with other Provinces, that in the new Province which will be set up that expensive machinery need not be maintained, and that the Province should be run on more economical lines than your Presidency is run at present.

Sir Phiroze Sethna: All I want to point out is that we are all for the separation of Sind, but Sind must stand on its own legs.

Sir S. N. Bhutto: That is right.

Sir Phiroze Sethna: Then if not, what is the recommendation of this sub-Committee? We must not be vague on that point.

Chairman: I will tell you, in view of the last words Mr. Jinnah accepted, what the recommendation of this sub-Committee is. The recommendation of this sub-Committee is that if Sind cannot show that it can stand successfully on its own legs the separation does not take place.

Sir Phiroze Sethna: If you can bring that out in the Report, that is all right.

Chairman: I think those words make it quite clear.

Sir Phiroze Sethna: That is all we want.

Chairman: I am satisfied about that now. When Mr. Jinnah accepted those last words he solved my difficulty.

Sir S. N. Bhutto: Probably you will only create further agitation.

Sir Phiroze Sethna: Is it better to use the word "deficit" or "recurring deficit?" What do you think?

Dr. Shafa'at Ahmad Khan: "Deficit" is all right.

Chairman: We must surely leave that to the intelligence of the financial Committee of the Government of India.

Sir Phiroze Sethna: I am trying to meet the point, because it is possible in a particular year you may say there is no deficit, but the question is whether there is going to be a recurring deficit. I am trying to meet that point.

Chairman: The financial committee of the Government of India will consider the point, of course.

Raja Narendra Nath: There is one thing to which I want to draw your attention. Would it not be better if you stuck to the facts—that the majority of the sub-Committee are in favour of separation?

Chairman: Well, I will say that if you wish it.

Dr. Moonje: I think it would be much better.

Chairman: Is there anybody who is not impressed by the strength of the arguments?

Sir Phiroze Sethna: In that case I think you might say the great majority, or the overwhelming majority.

Sir Muhammad Shafi: The overwhelming majority—the sub-Committee with the exception of Dr. Moonje and any other gentleman who is not impressed by the strength of the arguments.

Dr. Moonje: Let the facts be there.

Sir Muhammad Shafi: Or you might say “with two dissentients.” There are only two dissentients.

Chairman: May I say “The sub-Committee, with two dissentients?”

Dr. Shafa'at Ahmad Khan: Mention the names.

Chairman: Do you want the names?

Mr. Jinnah: I do not want to be taken as a dissentient.

Dr. Moonje: I should prefer “majority.”

Sir Muhammad Shafi: No; no; it is not a question of a majority, it is a question of the sub-Committee with two dissentients.

Mr. Jinnah: And mention their names, because I do not want to be misunderstood.

Mr. Foot: Mr. Jinnah is very anxious to see that Dr. Moonje should not miss any kudos.

Raja Narendra Nath: It is not necessary to mention the names.

Chairman: “The sub-Committee, with two dissentients.”

Dr. Shafa'at Ahmad Khan: Dr. Moonje and Raja Narendra Nath.

Raja Narendra Nath: I do not want names to be put in.

Sir Muhammad Shafi: Let him dissent if he likes.

Chairman: “The sub-Committee, with two dissentients.”

Sir Muhammad Shafi: No, no; one.

Chairman: I am told that there are two.

Mr. Jinnah: Then mention the names.

Chairman: Do you want the names put in?

Lord Zetland: Mr. Jinnah is afraid that he may be thought to be one of the dissentients.

Chairman: Who are the dissentients—Dr. Moonje and Raja Narendra Nath?

Sir Muhammad Shafi: I thought that Raja Narendra Nath did not want to have his name mentioned.

Raja Narendra Nath: I do, because we have not arrived at any solution of the minorities question.

Chairman: Very well: "The sub-Committee, with two dissentients"—and I have put their names in—"are impressed by the strength of the arguments in favour of separation, and they have come to the conclusion that the principle of separation should be accepted. They therefore recommend that an expert Committee in India should examine carefully the probable revenue and expenditure of a separated Sind and the security of the debt on the Sukkur Barrage and should also recommend an equitable adjustment of the financial commitments for which Sind may properly be considered liable. If the investigation shows that separation would leave the new Province with a deficit, the sub-Committee think that the representatives of Sind should be asked to show how the deficit should be met before the new Province is set up."

Sir S. N. Bhutto: That is complete now.

Mr. Jadhav: May I suggest that the word "satisfactorily" be inserted before "show"? Then I think the further thing will not be required.

Sir Muhammad Shafi: I have no objection to that.

Mr. Jinnah: I think that is understood really, but I do not mind.

Chairman: What is the suggestion?

Mr. Jadhav: Instead of "show," say "satisfactorily show."

Chairman: But that makes no difference. "Show" means "show to the satisfaction of the Government of India."

Sardar Sampuran Singh: That does not make any difference.

Sir Phiroze Sethna: If that does not make any difference I suggest that "a decision be taken" be inserted before "the new Province is set up."

Mr. Mody: I think there is no harm in putting in the word "satisfactorily."

Chairman: I am not going to split my infinitive—"to show satisfactorily." I am a purist in these matters. Now may I take it that, as altered now, the Report is agreed to?

Sir Phiroze Sethna: Did I understand Lord Zetland to say "to the satisfaction of the Government of India?"

Chairman: No, there is nothing about "to the satisfaction of the Government of India."

Mr. Chintamani: What word did Your Lordship add?

Chairman: "Satisfactorily." Are you all agreed? (*Agreed.*)

Chairman: That concludes our business. .

(*The proceedings then terminated.*)